



No. 91

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Reforestation Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Section 1 of *The Municipal Reforestation Act* reads:

1. The municipal council of a county may pass by-laws,—
 - (a) for acquiring by purchase, lease or otherwise such land designated in the by-law as the council may deem suitable for reforestation purposes;
 - (b) for planting land so acquired and for preserving and protecting the timber thereon;
 - (c) for the management of such land and the sale or other disposal of the timber grown thereon;
 - (d) for the issuing of debentures from time to time for the purpose of providing for the purchase of such land to an amount not exceeding \$25,000 to be owing at any one time;
 - (e) for entering into agreements for developing, protecting, caring for and managing such lands or any portion thereof;
 - (f) for leasing, selling, or otherwise disposing of such lands or any portion thereof.

The Act at present provides that councils of townships shall have all the powers, privileges and authority conferred by clauses *a*, *b* and *c* of section 1 on councils of counties. The amendment provides that township councils shall also have the powers, privileges and authority provided in clauses *e* and *f*.

Subsection 2. Self-explanatory.

BILL

An Act to amend The Municipal Reforestation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Municipal Reforestation Act* as amended by section 2 of *The Municipal Reforestation Amendment Act, 1945*, is further amended by striking out the word and letter “and *c*” in the third line and inserting in lieu thereof the letters and word “*c, e* and *f*”, so that the said subsection shall now read as follows: Rev. Stat., c. 323, s. 3, subs. 1, amended.

(1) Municipal councils of townships shall have all the powers, privileges and authority conferred by clauses Powers of township councils. *a, b, c, e* and *f* of section 1 on councils of counties.

(2) Subsection 2 of the said section 3 is amended by striking out the symbol and figures “\$200” in the second line and inserting in lieu thereof the symbol and figures “\$1,000”, so that the said subsection shall now read as follows: Rev. Stat., c. 323, s. 3, subs. 2, amended.

(2) The councils of such townships shall have power and authority to levy by special rate a sum not exceeding \$1,000 in any year for the purpose of providing for the purchase of such lands. Idem.

2. This Act may be cited as *The Municipal Reforestation Amendment Act, 1946*. Short title.

BILL

An Act to amend The Municipal
Reforestation Act.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

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1.—(1) Subsection 1 of section 3 of *The Municipal Reforestation Act* as amended by section 2 of *The Municipal Reforestation Amendment Act, 1945*, is further amended by striking out the word and letter “and *c*” in the third line and inserting in lieu thereof the letters and word “*c, e* and *f*”, so that the said subsection shall now read as follows: Rev. Stat.,
c. 323, s. 3,
subs. 1,
amended.

(1) Municipal councils of townships shall have all the powers, privileges and authority conferred by clauses *a, b, c, e* and *f* of section 1 on councils of counties. Powers of
township
councils.

(2) Subsection 2 of the said section 3 is amended by striking out the symbol and figures “\$200” in the second line and inserting in lieu thereof the symbol and figures “\$1,000”, so that the said subsection shall now read as follows: Rev. Stat.,
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(2) The councils of such townships shall have power and authority to levy by special rate a sum not exceeding \$1,000 in any year for the purpose of providing for the purchase of such lands. Idem.

2. This Act may be cited as *The Municipal Reforestation Amendment Act, 1946*. Short title.

BILL

An Act to amend The Municipal
Reforestation Act.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. THOMPSON

No. 92

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to provide for the Control of the Cutting of Trees.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTE

The purpose of this Bill is to provide authority in councils of counties where there is county organization and in township councils elsewhere, to restrict and regulate the cutting of trees and to provide for the appointment of officers to enforce such restrictions and regulations.

Any restrictions or regulations made under the Act would not interfere with the right of the occupant of land to cut trees for his own use or with any rights or powers conferred upon a municipality by *The Municipal Act* nor would the restrictions or regulations apply to trees growing upon a highway or opened road allowance.

BILL

An Act to provide for the Control of the Cutting of Trees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Minister of Lands and Forests the council of a county, and in a territorial district the council of a township, may pass by-laws,— By-law restricting cutting of trees.

- (a) restricting and regulating the cutting of trees in any part of the county or township; and
- (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section.

2. A by-law made under the Act shall not,— Exceptions.

- (a) interfere with the right of the occupant of land to cut trees thereon for his own use;
- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*; or Rev. Stat., c. 266.
- (c) apply to trees growing upon any highway or upon any opened road allowance.

3. Any person who violates the provisions of any by-law or regulation passed or made pursuant to this Act shall be guilty of an offence and liable to a penalty of not exceeding \$500 or to imprisonment for a term not exceeding three months. Penalty.

4. The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act*. Recovery of penalties. Rev. Stat., c. 136.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

6. This Act may be cited as *The Trees Conservation Act*, Short title.
1946.

BILL

An Act to provide for the Control
of the Cutting of Trees.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

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No. 92

2ND SESSION, 22ND LEGISLATURE, ONTARIO
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An Act to provide for the Control of the Cutting of Trees.

MR. THOMPSON

(Reprinted as amended in Committee of the Whole House.)

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Exceptions.

- (a) interfere with the right of the occupant of land to cut trees thereon for his own use;
- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*; Rev. Stat., c. 266.
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any other board or commission which is performing its functions for or on behalf of the government of Ontario;
- (d) apply to trees growing upon any highway or upon any opened road allowance; or
- (e) apply to trees growing in a woodlot having an area of not exceeding two acres. 

3. Any person who violates the provisions of any by-law or regulation passed or made pursuant to this Act shall be guilty of an offence and liable to a penalty of not exceeding \$500 or to imprisonment for a term not exceeding three months. Penalty.

Recovery of
penalties.
Rev. Stat.,
c. 136.

4. The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act*.

Commence-
ment of Act.

5. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

6. This Act may be cited as *The Trees Conservation Act, 1946*.

BILL

An Act to provide for the Control
of the Cutting of Trees.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

MR. THOMPSON

(*Reprinted as amended in Committee of the
Whole House.*)

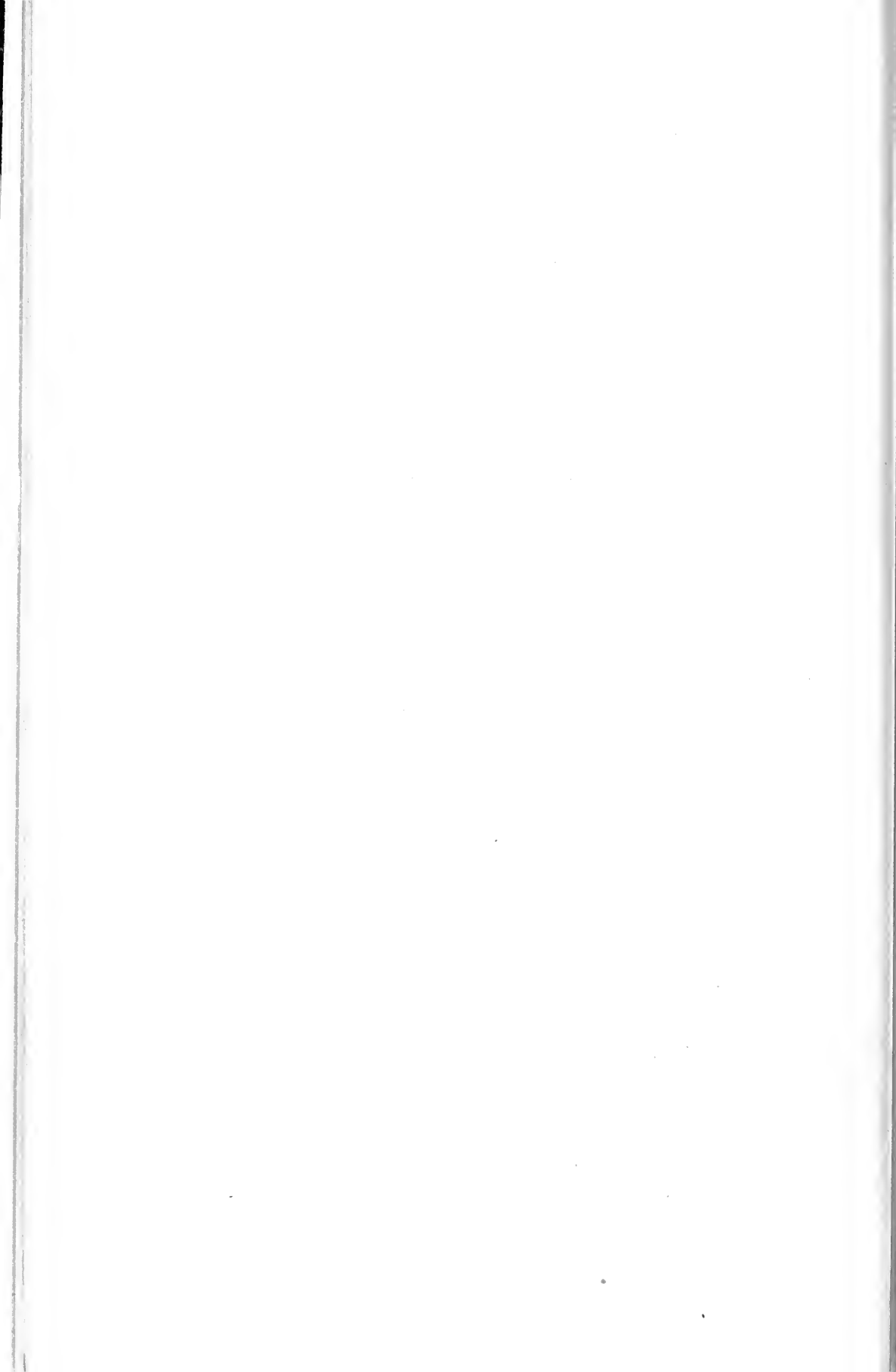
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- (a) interfere with the right of the occupant of land to cut trees thereon for his own use;
- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*; Rev. Stat., c. 266.
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any other board or commission which is performing its functions for or on behalf of the government of Ontario;
- (d) apply to trees growing upon any highway or upon any opened road allowance; or
- (e) apply to trees growing in a woodlot having an area of not exceeding two acres.

3. Any person who violates the provisions of any by-law or regulation passed or made pursuant to this Act shall be guilty of an offence and liable to a penalty of not exceeding \$500 or to imprisonment for a term not exceeding three months. Penalty.

Recovery of penalties. **4.** The penalties imposed by this Act shall be recoverable under the provisions of *The Summary Convictions Act*.
 Rev. Stat., c. 136.

Commence-ment of Act. **5.** This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **6.** This Act may be cited as *The Trees Conservation Act, 1946*.

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of the Cutting of Trees.

1st Reading

March 14th, 1946

2nd Reading

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No. 93

2ND SESSION, 22ND LEGISLATURE, ONTARIO
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BILL

An Act to amend The Local Improvement Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

SECTION 1. A new subsection is added to enable a reduction to be made in the assessment of a lot of the particular nature mentioned, which at the present time may be unfairly burdened by local improvement rates. The amount of any reduction is not chargeable on the lots specially assessed, but is paid by the municipality.

SECTION 2. The subsection provides for the disposal of surplus funds resulting from the more favourable sale of local improvement debentures than was anticipated or from the actual cost of the work being less than the estimated cost.

The new subsection is more explicit than the present subsection as to how and to whom the disposal is to be made.

SECTION 3. As re-enacted, the section contains a permissive power to enable a municipality to renew or replace a local improvement work at the expense of the corporation at large and to issue debentures therefor.

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Local Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 269, s. 28, amended.

(2a) Where a lot, other than a corner lot, has two limits Of lots with two limits that abut on works and the size or nature of the lot limits is such that any or all of the works are not required, abutting on works. a reduction in respect of the works that are not required, so long as they are not required, shall also be made in the special assessment that would otherwise be chargeable thereon, sufficient to adjust its assessment on a fair and equitable basis.

2. Subsection 9 of section 49 of *The Local Improvement Act*, Rev. Stat., c. 269, s. 49, as enacted by section 2 of *The Local Improvement Amendment Act, 1941*, is repealed and the following substituted therefor: subs. 9 (1941, c. 27, s. 2) re-enacted.

(9) When the amount realized from the debentures Disposal of excess sums. exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* in reduction of the rates or any of them to be levied under the by-law providing for the issue of the debentures and where all the rates have been levied under such by-law, the excess sum shall be paid *pro tanto* to the owners at the time such payment is made of the land on which the rates were levied.

3. Subsection 1 of section 56 of *The Local Improvement Act* Rev. Stat., c. 269, s. 56, subs. 1, re-enacted. is repealed and the following substituted therefor:

(1) When a work has been completed, it shall be kept in repair, Repair, maintenance and replacement of works. maintained and may be renewed or replaced at the expense of the corporation and the corporation may by by-law provide for the issue of debentures for such renewal or replacement.

Rev. Stat.,
c. 269,
ss. 63, 64,
re-enacted.

4. Section 63 and 64 of *The Local Improvement Act*, as amended by section 19 of *The Statute Law Amendment Act, 1942*, are repealed and the following substituted therefor:

Additional
works in
townships
and villages.

63. In addition to the works authorized to be undertaken in section 2, the council of a township or village may undertake as a local improvement the construction, renewal or replacement of water works, the laying of mains and other appliances to connect with any existing system of water works whether owned by the corporation or any other person, the construction of sewage treatment works, or the construction of such works, plant, appliances and equipment as may be necessary for street lighting.

Assessment
of cost of
works in
areas.

- 64.—(1) The council of a township or village may, in the by-law for undertaking any work as a local improvement, define an area in the township or village and provide that the cost of the work and the cost of maintenance and management of the work shall be assessed and levied on the rateable property in the area.

Assessment
of cost of
certain
works.

- (2) Where the work is the construction of a water main, sewer, sidewalk, curb, pavement or street lighting, the by-law may provide that the whole or a part of the cost of the work shall be assessed upon the lots fronting or abutting on the work and in such case the balance of the cost, if any, and the cost of maintenance and management shall be assessed and levied on the rateable property in the area.

Debentures.

- (3) The corporation may by by-law provide for the issue of debentures for any work undertaken under this section.

Notice of
intention
unnecessary.

- (4) Where a local improvement area is defined under this section and the by-law provides that the cost of the work shall be assessed and levied on the rateable property in the area, it shall not be necessary to serve notice of intention to construct the work upon the owners of lots in the area.

Alteration,
etc., of
areas.

- 64a. Where a local improvement area is defined under this section, such area may by by-law, subject to the approval of the Ontario Municipal Board, be altered, dissolved or amalgamated with any other such area and in such case the Board shall make any necessary adjustments of the assets and liabilities of the areas affected.

Short title.

5. This Act may be cited as *The Local Improvement Amendment Act, 1946*.

SECTION 4. This section of the Bill recasts the sections of the Act that give townships and villages special powers with respect to local improvements. These special provisions are necessary because such municipalities often have both urban and rural areas within their boundaries, which must be dealt with separately and in different ways.

The new provisions are designed to ensure that the cost of local improvement works in townships and villages will be paid for on an equitable basis. For instance, an area may be defined and the whole cost of any work levied on the rateable property in the area. In the case of works of a particular nature, the whole or any part of the cost may be charged to abutting lots and the balance, if any, on the rateable property in the area.

Provision is also made to enable a local improvement area to be altered, dissolved or amalgamated with any other such area, with the approval of the Ontario Municipal Board.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

No. 93

2ND SESSION, 22ND LEGISLATURE, ONTARIO
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(Reprinted as amended by the Committee on Municipal Law.)

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EXPLANATORY NOTES

SECTION 1. A new subsection is added to enable a reduction to be made in the assessment of a lot of the particular nature mentioned, which at the present time may be unfairly burdened by local improvement rates. The amount of any reduction is not chargeable on the lots specially assessed, but is paid by the municipality.

SECTION 2. The subsection provides for the disposal of surplus funds resulting from the more favourable sale of local improvement debentures than was anticipated or from the actual cost of the work being less than the estimated cost.

The new subsection is more explicit than the present subsection as to how and to whom the disposal is to be made.

SECTION 3. As re-enacted, the section contains a permissive power to enable a municipality to renew or replace a local improvement work at the expense of the corporation at large and to issue debentures therefor.

BILL

An Act to amend The Local Improvement Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 28 of *The Local Improvement Act* is amended by adding thereto the following subsection: Rev. Stat., c. 269, s. 28, amended.

(2a) Subject to section 29, where a lot, other than a corner lot, has two limits that abut on works and the size or nature of the lot is such that any or all of the works are not required, a reduction in respect of the works that are not required, so long as they are not required, shall also be made in the special assessment that would otherwise be chargeable thereon, sufficient to adjust its assessment on a fair and equitable basis. Of lots with two limits abutting on works.

2.—(1) Subsection 9 of section 49 of *The Local Improvement Act*, as enacted by section 2 of *The Local Improvement Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 269, s. 49, subs. 9 (1941, c. 27, s. 2) re-enacted.

(9) When the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* in reduction of the rates or any of them to be levied under the by-law providing for the issue of the debentures and where all the rates have been levied under such by-law, the excess sum shall be paid *pro tanto* to the owners at the time such payment is made of the land on which the rates were levied. Disposal of excess sums.

(2) Subsection 9 of section 49 of *The Local Improvement Act* as re-enacted by subsection 1 shall not apply to a by-law passed prior to the 1st day of January, 1941. Application.

3. Subsection 1 of section 56 of *The Local Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 269, s. 56, subs. 1, re-enacted.

Repair,
maintenance
and replace-
ment of
works.

- (1) When a work has been completed, it shall be kept in repair and maintained and may be renewed or replaced at the expense of the corporation and the corporation may by by-law provide for the issue of debentures for such renewal or replacement.

Rev. Stat.,
c. 269,
ss. 63, 64,
re-enacted.

4. Section 63 and 64 of *The Local Improvement Act*, as amended by section 19 of *The Statute Law Amendment Act, 1942*, are repealed and the following substituted therefor:

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63. In addition to the works authorized to be undertaken in section 2, the council of a township or village may undertake as a local improvement the construction, renewal or replacement of water works, the laying of mains and other appliances to connect with any existing system of water works whether owned by the corporation or any other person, the construction of sewage treatment works, or the construction of such works, plant, appliances and equipment as may be necessary for street lighting.

Assessment
of cost of
works in
areas.

- 64.—(1) The council of a township or village may, in the by-law for undertaking any work as a local improvement, define an area in the township or village and provide that the cost of the work including debenture charges and the cost of maintenance and management of the work including the cost of the utility supplied shall be assessed and levied on the rateable property in the area.

Assessment
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works.

- (2) Where the work is the construction of a water main, sewer, sidewalk, curb, pavement or street lighting, the by-law may provide that the whole or a part of the cost of the work shall be assessed upon the lots fronting or abutting on the work and in such case the balance of the cost including debenture charges, if any, and the cost of maintenance and management including the cost of the utility supplied shall be assessed and levied on the rateable property in the area.

Debentures.

- (3) The corporation may by by-law provide for the issue of debentures for any work undertaken under this section.

Notice of
intention
unnecessary.

- (4) Where a local improvement area is defined under this section and the by-law provides that the cost of the work shall be assessed and levied on the rateable property in the area, it shall not be necessary to serve notice of intention to construct the work upon the owners of lots in the area.

SECTION 4. This section of the Bill recasts the sections of the Act that give townships and villages special powers with respect to local improvements. These special provisions are necessary because such municipalities often have both urban and rural areas within their boundaries, which must be dealt with separately and in different ways.

The new provisions are designed to ensure that the cost of local improvement works in townships and villages will be paid for on an equitable basis. For instance, an area may be defined and the whole cost of any work levied on the rateable property in the area. In the case of works of a particular nature, the whole or any part of the cost may be charged to abutting lots and the balance, if any, on the rateable property in the area.

Provision is also made to enable a local improvement area to be altered, dissolved or amalgamated with any other such area, with the approval of the Ontario Municipal Board.



64a. Where a local improvement area is defined under this section, such area may by by-law, subject to the ^{Alteration, etc., of} approval of the Ontario Municipal Board, be enlarged, reduced, altered, dissolved or amalgamated with any other such area and in such case the Board shall make any necessary adjustments of the assets and liabilities of the areas affected.

5. This Act may be cited as *The Local Improvement Amend- Short title.*
ment Act, 1946.

BILL

An Act to amend The Local
Improvement Act.

1st Reading

March 14th, 1946

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MR. DUNBAR

(*Reprinted as amended by the Committee on
Municipal Law.*)

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(9) When the amount realized from the debentures exceeds the amount of the cost of the work, the excess sum shall be applied *pro tanto* in reduction of the rates or any of them to be levied under the by-law providing for the issue of the debentures and where all the rates have been levied under such by-law, the excess sum shall be paid *pro tanto* to the owners at the time such payment is made of the land on which the rates were levied. Disposal of excess sums.

(2) Subsection 9 of section 49 of *The Local Improvement Act* as re-enacted by subsection 1 shall not apply to a by-law passed prior to the 1st day of January, 1941. Application.

3. Subsection 1 of section 56 of *The Local Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 269, s. 56, subs. 1, re-enacted.

Repair,
maintenance
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ment of
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- (1) When a work has been completed, it shall be kept in repair and maintained and may be renewed or replaced at the expense of the corporation and the corporation may by by-law provide for the issue of debentures for such renewal or replacement.

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ss. 63, 64,
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4. Section 63 and 64 of *The Local Improvement Act*, as amended by section 19 of *The Statute Law Amendment Act, 1942*, are repealed and the following substituted therefor:

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Assessment
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- (3) The corporation may by by-law provide for the issue of debentures for any work undertaken under this section.

Notice of
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64a. Where a local improvement area is defined under this section, such area may by by-law, subject to the ^{Alteration, etc., of areas.} approval of the Ontario Municipal Board, be enlarged, reduced, altered, dissolved or amalgamated with any other such area and in such case the Board shall make any necessary adjustments of the assets and liabilities of the areas affected.

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Improvement Act.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

No. 94

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to confirm Tax Sales.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The provisions of this Bill are the same in principle as those of *The Tax Sales Confirmation Act, 1945*, except that under this Bill a former owner will not be entitled to recover his property after the redemption period has expired in cases where the land has been declared by by-law to be required for the purposes of the municipality (s. 1, subs. 4 and s. 2, subs. 4).

He will also be required to pay the amount, if any, incurred by the municipality for repairs or insurance on the property, which is now authorized under *The Assessment Act* (1944, c. 7, s. 17).

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All sales of land held prior to the 1st day of January, 1945, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township or in unsurveyed territory, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Tax sales and tax deeds confirmed.
Rev. Stat., c. 272.

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Application of section.
Rev. Stat., c. 272.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

Statutory declaration.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality or school board, as the case may be, and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality or board, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Application
of section.

Rev. Stat.,
c. 59.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Statutory
declaration.

(3) The treasurer shall deposit the statutory declaration mentioned in subsection 2 in the proper registry or land titles office where it shall be attached to the tax arrears certificate of the land in respect of which it was made.

Conveyance
to former
owner,
etc.

Rev. Stat.,
c. 59.

(4) Notwithstanding the provisions of this or any other Act, where land with respect to which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 43 of *The Department of Municipal Affairs Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes,

interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of such conveyance.

3. Every redemption certificate registered prior to the 1st day of January, 1946, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered redemption certificates confirmed.
Rev. Stat., c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1946, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns his original estate, right, title and interest in the land described therein.

Registered vacating certificates confirmed.
Rev. Stat., c. 59.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Pending litigation not affected.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as to rights of Crown.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1946*.

Short title.

BILL

An Act to confirm Tax Sales.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to confirm Tax Sales.

MR. DUNBAR

BILL

An Act to confirm Tax Sales.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All sales of land held prior to the 1st day of January, 1945, and purporting to have been made for arrears of taxes payable to a municipal corporation, or to the school board of a school section in an unorganized township or in unsurveyed territory, with respect to the land so sold, are confirmed and declared to be legal, valid and binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Tax sales and tax deeds confirmed.
Rev. Stat., c. 272.

(2) Subsection 1 shall have force and effect with respect to all such sales of land held and all such conveyances executed on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Applica-
tion of
section.
Rev. Stat.,
c. 272.

(3) The statutory declaration mentioned in subsection 2 shall be affixed to and form part of the tax deed of the land in respect of which such declaration was made, and where the tax deed has been registered the treasurer shall deposit the declaration in the proper registry or land titles office where it shall be attached to the tax deed of the land in respect of which it was made.

2 Statutory
declaration.

Conveyance
to former
owner,
etc.

(4) Notwithstanding the provisions of this or any other Act, where land that has been sold for taxes has been purchased by the municipality or school board, as the case may be, and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality or board, any person to whom notice was sent under subsection 2 of section 178 of *The Assessment Act* shall at any time, with the approval of the Department of Municipal Affairs, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not been sold for taxes, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such sale and of such conveyance.

Rev. Stat.,
c. 272.

Registered
tax arrears
certificates
confirmed.

Rev. Stat.,
c. 59.

2.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The Department of Municipal Affairs Act* and that is now outstanding, and the registration thereof, are confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting on the day of registration the land therein described in the corporation of the municipality in which the land is situate, its successors or assigns, in fee simple, clear of and free from all other estate, right, title or interest, and of all charges or encumbrances thereon and dower therein.

Application
of section.

Rev. Stat.,
c. 59.

(2) Subsection 1 shall have force and effect with respect to all such certificates registered on or after the 1st day of January, 1940, only where the treasurer has complied with subsection 4 of section 43 of *The Department of Municipal Affairs Act* and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Statutory
declaration.

(3) The treasurer shall deposit the statutory declaration mentioned in subsection 2 in the proper registry or land titles office where it shall be attached to the tax arrears certificate of the land in respect of which it was made.

Conveyance
to former
owner,
etc.

Rev. Stat.,
c. 59.

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interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of such conveyance.

3. Every redemption certificate registered prior to the 1st day of January, 1946, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
redemption
certificates
confirmed.

Rev. Stat.,
c. 59.

4. Every vacating certificate registered prior to the 1st day of January, 1946, and purporting to have been registered pursuant to *The Department of Municipal Affairs Act*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns his original estate, right, title and interest in the land described therein.

Registered
vacating
certificates
confirmed.

Rev. Stat.,
c. 59.

5. This Act shall not affect or prejudice any right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Pending
litigation
not affected.

6. This Act shall not affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which, a tax arrears certificate has been registered.

Saving as
to rights
of Crown.

7. This Act may be cited as *The Tax Sales Confirmation Act, 1946*.

Short title.

BILL

An Act to confirm Tax Sales.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DUNBAR

1946

No. 95

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Drainage Act.

MR. DUNBAR

EXPLANATORY NOTE

At the present time the Act (section 93) provides for the appointment of two referees who must be barristers of at least ten years' standing at the Ontario Bar. They are each paid a salary up to \$3,500 a year.

The Bill makes it permissible for the Lieutenant-Governor in Council to designate the Municipal Board as the referee.

No. 95

1946

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Drainage Act* is amended by adding thereto the following section: Rev. Stat.,
c. 278,
amended.

93a. The Lieutenant-Governor in Council instead of appointing referees under section 93 may designate the Ontario Municipal Board as the referee. Municipal
Board may
be referee.

2. This Act may be cited as *The Municipal Drainage Amendment Act, 1946*. Short title.

BILL

An Act to amend The Municipal
Drainage Act.

1st Reading

March 15th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

No. 95

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Drainage Act.

MR. DUNBAR

No. 95

1946

BILL

An Act to amend The Municipal Drainage Act.

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1. *The Municipal Drainage Act* is amended by adding thereto the following section: Rev. Stat., c. 278, amended.

93a. The Lieutenant-Governor in Council instead of appointing referees under section 93 may designate the Ontario Municipal Board as the referee. Municipal Board may be referee.

2. This Act may be cited as *The Municipal Drainage Amendment Act, 1946*. Short title.

BILL

An Act to amend The Municipal
Drainage Act.

1st Reading

March 15th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DUNBAR

No. 96

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Surveys Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

SECTION 1. The proposed subsection enables the Treasurer of Ontario to assist municipal councils and owners to pay the expenses of municipal surveys.

SECTION 2. Validates payments heretofore made for this purpose.

BILL

An Act to amend The Surveys Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Surveys Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 232, s. 18,
amended.
- (2) Where any municipal council or owner making application for a survey under the provisions of section 14, 15 or 19a is not able to pay the whole of the expenses of the survey, such council or owner may apply to the Lieutenant-Governor in Council to have all or part of the expenses paid by the Treasurer of Ontario out of such moneys as may be voted by the Legislature and appropriated for this purpose, and notwithstanding the provisions of sections 18 and 19a the Lieutenant-Governor in Council may so direct.

Where paid
by Treasurer
of Ontario.
2. All payments of expenses of surveys under the provisions of section 14, 15 or 19a of *The Surveys Act* heretofore made by the Treasurer of Ontario by direction of the Lieutenant-Governor in Council are hereby validated.

Payments
validated.
3. This Act may be cited as *The Surveys Amendment Act*, Short title.
1946.

BILL

An Act to amend The Surveys Act.

1st Reading

March 15th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

1946

No. 96

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Surveys Act.

MR. THOMPSON

TORONTO
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No. 96

1946

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- (2) Where any municipal council or owner making application for a survey under the provisions of section 14, 15 or 19a is not able to pay the whole of the expenses of the survey, such council or owner may apply to the Lieutenant-Governor in Council to have all or part of the expenses paid by the Treasurer of Ontario out of such moneys as may be voted by the Legislature and appropriated for this purpose, and notwithstanding the provisions of sections 18 and 19a the Lieutenant-Governor in Council may so direct.

Where paid
by Treasurer
of Ontario.
2. All payments of expenses of surveys under the provisions of section 14, 15 or 19a of *The Surveys Act* heretofore made by the Treasurer of Ontario by direction of the Lieutenant-Governor in Council are hereby validated.

Payments
validated.
3. This Act may be cited as *The Surveys Amendment Act*, Short title.
1946.

BILL

An Act to amend The Surveys Act.

1st Reading

March 15th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. THOMPSON

No. 97

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Survey of Part of the Township of Methuen.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of this Bill is to correct errors in the original survey and to confirm the actual boundaries of the lots.

BILL

An Act respecting the Survey of Part of the Township of Methuen.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The side lines between lots in the fifth concession of the Township of Methuen in the County of Peterborough commencing with the line between lots 4 and 5 and continuing to the northerly limit of the said township shall be drawn in the manner required by *The Surveys Act* in the case of a township where only a single row of posts has been planted on the concession lines and the lands have been described in whole lots, and shall be drawn from the lot angles at the eastern front of such concession.

2. The monuments and posts along the westerly limit of the fifth concession of the said Township of Methuen heretofore confirmed under *The Surveys Act* shall not be the true and unalterable boundary with respect to the side lines between the lots northerly from the side line between lots 4 and 5 in such concession.

3. This Act shall be cited as *The Township of Methuen Survey Act, 1946*.

BILL

An Act respecting the Survey of Part of the
Township of Methuen.

1st Reading

March 15th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

No. 97

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Survey of Part of the Township of Methuen.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Survey of Part of the Township of Methuen.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. The side lines between lots in the fifth concession of the Township of Methuen in the County of Peterborough commencing with the line between lots 4 and 5 and continuing to the northerly limit of the said township shall be drawn in the manner required by *The Surveys Act* in the case of a township where only a single row of posts has been planted on the concession lines and the lands have been described in whole lots, and shall be drawn from the lot angles at the eastern front of such concession. Side lines. Rev. Stat., c. 232.

2. The monuments and posts along the westerly limit of the fifth concession of the said Township of Methuen heretofore confirmed under *The Surveys Act* shall not be the true and unalterable boundary with respect to the side lines between the lots northerly from the side line between lots 4 and 5 in such concession. Monuments.

3. This Act shall be cited as *The Township of Methuen Survey Act, 1946*. Short title.

BILL

An Act respecting the Survey of Part of the
Township of Methuen.

1st Reading

March 15th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. THOMPSON

No. 98

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Forest Fires Prevention Act.

MR. THOMPSON

EXPLANATORY NOTES

GENERAL. *The Forest Fires Prevention Act* is brought into line with existing practice by abolishing the office of provincial forester. Some of the functions formerly carried on by the provincial forester will be discharged by the Minister of Lands and Forests and others by officers and agents of the Department. In line with this plan "officer or agent" is defined in the first section of the Bill.

SECTION 2. The sections repealed provide for the appointment of the provincial forester and prescribe his functions.

SECTION 3. The amendment provides that the Minister may appoint honorary fire wardens without formal nomination.

SECTION 4. Persons engaged by land owners for purposes of fire protection will not hereafter have the powers of fire rangers.

SECTION 5. Self-explanatory.

BILL

An Act to amend The Forest Fires Prevention Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forest Fires Prevention Act* is amended by adding thereto the following clause: Rev. Stat., c. 325, s. 1, amended.

(bb) "officer or agent" shall mean any person employed or appointed by or with the approval of the Minister to assist in enforcing the provisions of this Act. "Officer or agent", defined.

2. Sections 3 and 4 of *The Forest Fires Prevention Act* are repealed. Rev. Stat., c. 325, ss. 3, 4, repealed.

3. Section 6 of *The Forest Fires Prevention Act* is amended by striking out the words "accept nominations from the licensees of" in the first and second lines and inserting in lieu thereof the word "appoint", so that the said section shall now read as follows: Rev. Stat., c. 325, s. 6, amended.

6. The Minister may appoint honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department. Honorary fire wardens.

4. Subsection 2 of section 7 of *The Forest Fires Prevention Act* is amended by striking out all the words after the word "Minister" in the second line, so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 7, subs. 2, amended.

(2) Every such appointment shall be made or approved by the Minister. Appointments.

5. Subsection 2 of section 8 of *The Forest Fires Prevention Act* is amended by inserting after the word "by" in the third line the words "this Act and", so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 8, subs. 2, amended.

Setting out
fire in close
season.

- (2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by this Act and the regulations.

Rev. Stat.,
c. 325, s. 10,
cl. g,
amended.

6.—(1) Clause g of section 10 of *The Forest Fires Prevention Act* is amended by striking out the words "the provincial forester, or any officer or servant of the Department" in the first and second lines and inserting in lieu thereof the words "any officer or agent."

Rev. Stat.,
c. 325, s. 10,
cl. h,
amended.

(2) Clause h of the said section 10 is amended by striking out the words "locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil", in the second, third and fourth lines and inserting in lieu thereof the words "all engines", so that the said clause shall now read as follows:

Protective
appliances
on engines.

- (h) prescribing and regulating the use of fire protective appliances on all engines, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation.

Rev. Stat.,
c. 325, s. 10,
cl. i,
amended.

(3) Clause i of the said section 10 is amended by striking out the words "the provincial forester, or any officer of the Department" in the second and third lines and inserting in lieu thereof the words "any officer or agent".

Rev. Stat.,
c. 325, s. 11,
re-enacted.

7. Section 11 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Powers of
Minister
as to
clearing
of land.

- 11.—(1) Wherever an officer or agent finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in his opinion, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

Cost of
work.

- (2) The cost of any work done by him or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Minister by action in any court of competent jurisdiction.

Penalty.

- (3) Any person who neglects or refuses to carry out any order or direction given under the authority of

SECTION 6. Subsections 1 and 3. See general explanatory note at commencement.

Subsection 2. The authority to make regulations relating to certain types of engines is extended to include all engines.

SECTION 7. See general explanatory note at commencement.

SECTION 8—Subsection 1. The amendment makes it unlawful to use or operate any engine not provided with practical and efficient devices for preventing the escape of fire and live coals.

Subsection 2. See general explanatory note at commencement.

SECTION 9. Self-explanatory.

SECTION 10. See general explanatory note at commencement.

SECTION 11. The new section 15a is self-explanatory.

subsection 1 shall be guilty of an offence against this Act.

8.—(1) Clause *a* of subsection 1 of section 12 of *The Forest Fires Prevention Act* is amended by striking out the words "locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil" in the second, third and fourth lines and inserting in lieu thereof the word "engine", so that the said clause shall now read as follows:

Rev. Stat.
c. 325, s. 12,
subs. 1, cl. *a*,
amended.

- (a) to use or operate within a quarter of a mile of any forest, slashing or bush land any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act.

Using
engines
without
prescribed
safeguards.

(2) Subsection 3 of the said section 12 is amended by striking out the words "provincial forester" in the third line and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 325, s. 12,
subs. 3,
amended.

9. Section 13 of *The Forest Fires Prevention Act* is amended by striking out the word "Railway" in the third line and inserting in lieu thereof the word "Transport", so that the said section shall now read as follows:

Rev. Stat.,
c. 325, s. 13,
amended.

13. It shall be the duty of every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act.

Duty of
engineer.

10. Section 14 of *The Forest Fires Prevention Act* is amended by striking out the words "provincial forester" where they occur in the sixth line of subsection 2, in the first line of subsection 3 and in the first and sixth lines of subsection 4 and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 325, s. 14,
amended.

11. *The Forest Fires Prevention Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 325,
amended.

- 15a. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires and any expenses incurred by the Department in carrying out any

Agreements
with muni-
cipalities.

such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Rev. Stat.,
c. 325, s. 16,
amended.

12. Section 16 of *The Forest Fires Prevention Act* is amended by adding thereto the following subsection:

Fires on
Crown
lands.

- (2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 of section 14, the total cost of extinguishing such fire shall be borne by the Department.

Rev. Stat.,
c. 325, s. 17,
subs. 4,
amended.

13. Subsection 4 of section 17 of *The Forest Fires Prevention Act* is amended by striking out the words "or other employee of the Department" in the second line and inserting in lieu thereof the words "or agent".

Rev. Stat.,
c. 325, s. 19,
amended.

14. Section 19 of *The Forest Fires Prevention Act* is amended by striking out the words "The provincial forester and every officer acting under his direction" in the first and second lines and inserting in lieu thereof the words "Every officer and agent".

Rev. Stat.,
c. 325, s. 21,
re-enacted.

15. Section 21 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Extinguish-
ment of fire.

- 21.—(1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,—

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,—

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses
incurred in
extinguishing
fires.

- (2) In addition to the other penalties provided by this Act, every owner who violates the provisions of subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister.

Rev. Stat.,
c. 325, s. 22,
subs. 1,
amended.

16.—(1) Subsection 1 of section 22 of *The Forest Fires Prevention Act* is amended by striking out the words "author-

SECTION 12. The new subsection 2 provides that the entire cost of controlling fires which burn wholly on Crown lands which have not been leased or dealt with in a like manner is to be borne by the Department. Where the fire spreads to other lands the Department continues to bear half the cost.

SECTION 13. See general explanatory note at commencement.

SECTION 14. See general explanatory note at commencement.

SECTION 15. Section 21 of the Act is clarified so as to simplify its interpretation upon prosecutions.

SECTION 16. See general explanatory note at commencement.

SECTION 17—Subsections 1, 3 and 4. See general explanatory note at commencement.

Subsection 2. The effect of the re-writing of subsection 4 of section 23 is to place the onus of proof upon the permittee.

ized officer of the Department" in the fifth line and inserting in lieu thereof the words "officer or agent".

(2) Subsection 2 of the said section 22 is amended by striking out the words "of the Department" in the third line and inserting in lieu thereof the words "or agent". Rev. Stat., c. 325, s. 22, subs. 2, amended.

(3) Subsection 4 of the said section 22 is amended by striking out the words "the provincial forester or other officer of the Department" in the seventh line and inserting in lieu thereof the words "an officer or agent". Rev. Stat., c. 325, s. 22, subs. 4, amended.

17.—(1) Section 23 of *The Forest Fires Prevention Act* is amended by striking out the words "the provincial forester or other authorized officer" where they occur in the fourth and fifth lines of subsection 1, in the first line of subsection 3, in the fourth and fifth lines of clause *b* of subsection 3 and the first line of subsection 7, and inserting in lieu thereof the words "an officer or agent". Rev. Stat., c. 325, s. 23, amended.

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor: Rev. Stat., c. 325, s. 23, subs. 4, re-enacted.

(4) Where fire originates in any particular area in which summer operations are actually carried on by a permittee operating under the provisions of this section, or by any of his employees, or any person acting on his behalf, in the absence of the production of evidence to the contrary satisfactory to the Minister,— Cost of extinguishing fire.

(a) the fire shall be presumed to have resulted from such operations; and

(b) the permittee shall bear the full cost of controlling and extinguishing the fire.

(3) Subsection 5 of the said section 23 is amended by striking out the figures and words "30th day of April" in the first line and inserting in lieu thereof the figures and words "31st day of March", so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 23, subs. 5, amended.

(5) All permits shall expire on the 31st day of March next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder. Expiration of permit.

(4) Subsection 8 of the said section 23 is amended by striking out the words "The provincial forester" in the first line and inserting in lieu thereof the words "An officer or agent", and Rev. Stat., c. 325, s. 23, subs. 8, amended.

by striking out the words "provincial forester" in the last line and inserting in lieu thereof the words "officer or agent".

Rev. Stat.,
c. 325, s. 24,
repealed.

18. Section 24 of *The Forest Fires Prevention Act* is repealed.

Rev. Stat.,
c. 325, s. 25,
subs. 1,
amended.

19.—(1) Subsection 1 of section 25 of *The Forest Fires Prevention Act* is amended by inserting after the word "about" in the fourth line the words "or set out fire for the purpose of cooking or obtaining warmth", so that the said subsection shall now read as follows:

Permit to
travel in
forest area.

(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about or set out fire for the purpose of cooking or obtaining warmth in such area during the close season shall previously obtain a permit.

Rev. Stat.,
c. 325, s. 25,
subs. 2,
amended.

(2) Subsection 2 of the said section 25 is amended by striking out the words "the fire ranger of the place or from any other authorized person" in the second and third lines and inserting in lieu thereof the words "an officer or agent", so that the said subsection shall now read as follows:

Issue of
permit.

(2) Such permit, called "travel permit" may be obtained without charge from an officer or agent.

Rev. Stat.,
c. 325, s. 25,
subs. 3,
amended.

(3) Subsection 3 of the said section 25 is amended by inserting after the word "about" in the first line the words "or set out fire for the purpose of cooking or obtaining warmth", so that the said subsection shall now read as follows:

Entering
area with-
out permit.

(3) No person shall travel about or set out fire for the purpose of cooking or obtaining warmth in such defined area without having previously obtained a permit.

Rev. Stat.,
c. 325, s. 26,
amended.

20. Section 26 of *The Forest Fires Prevention Act* is amended by striking out the words "the fire rangers" in the second line and inserting in lieu thereof the words "an officer or agent", so that the said section shall now read as follows:

Information
to be given
by tourists,
etc.

26. Persons using or travelling in the forest shall, upon request, give an officer or agent or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act.

SECTION 18. The provisions requiring employees of operators to wear badges are obsolete and section 24 is accordingly repealed.

SECTION 19—Subsections 1 and 3. The amendment provides that a travel permit includes permission to set out fire for the purpose of cooking or obtaining warmth, as well as permission for travelling about in travel permit areas.

Subsection 2. See general explanatory note at commencement.

SECTION 20. See general explanatory note at commencement.

SECTION 21. Section 28 of the Act is re-enacted to facilitate the recovery of the expenses which the Department is entitled to recover in the situations indicated.

21. Section 28 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 325, s. 28,
re-enacted.

- 28.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect. Penalty.
- (2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment. Expenses,—
recovery of.

Rev. Stat.,
c. 136.

22. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1946*. Short title.

BILL

An Act to amend The Forest Fires
Prevention Act.

1st Reading

March 15th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

No. 98

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

• **An Act to amend The Forest Fires Prevention Act.**

MR. THOMPSON

No. 98

1946

BILL

An Act to amend The Forest Fires Prevention Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Forest Fires Prevention Act* is amended by adding thereto the following clause: Rev. Stat., c. 325, s. 1, amended.

(bb) "officer or agent" shall mean any person employed or appointed by or with the approval of the Minister to assist in enforcing the provisions of this Act. "Officer or agent", defined.

2. Sections 3 and 4 of *The Forest Fires Prevention Act* are repealed. Rev. Stat., c. 325, ss. 3, 4, repealed.

3. Section 6 of *The Forest Fires Prevention Act* is amended by striking out the words "accept nominations from the licensees of" in the first and second lines and inserting in lieu thereof the word "appoint", so that the said section shall now read as follows: Rev. Stat., c. 325, s. 6, amended.

6. The Minister may appoint honorary fire wardens who shall be appointed without salary or other remuneration and who shall have authority to enforce any of the provisions of this Act that the Minister may deem necessary and who shall wear a special badge to be issued by the Department. Honorary fire wardens.

4. Subsection 2 of section 7 of *The Forest Fires Prevention Act* is amended by striking out all the words after the word "Minister" in the second line, so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 7, subs. 2, amended.

(2) Every such appointment shall be made or approved by the Minister. Appointments.

5. Subsection 2 of section 8 of *The Forest Fires Prevention Act* is amended by inserting after the word "by" in the third line the words "this Act and", so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 8, subs. 2, amended.

Setting out
fire in close
season.

- (2) During the close season no person shall set out fire in a fire district except under the circumstances and subject to the conditions prescribed by this Act and the regulations.

Rev. Stat.,
c. 325, s. 10,
cl. g,
amended.

- 6.—(1) Clause g of section 10 of *The Forest Fires Prevention Act* is amended by striking out the words "the provincial forester, or any officer or servant of the Department" in the first and second lines and inserting in lieu thereof the words "any officer or agent."

Rev. Stat.,
c. 325, s. 10,
cl. h,
amended.

- (2) Clause h of the said section 10 is amended by striking out the words "locomotive engines, logging engines, portable engines, traction engines or stationary engines, using fuel other than oil", in the second, third and fourth lines and inserting in lieu thereof the words "all engines", so that the said clause shall now read as follows:

Protective
appliances
on engines.

- (h) prescribing and regulating the use of fire protective appliances on all engines, and for compelling the use of such appliances and prescribing the precautions to be taken for preventing forest fires being caused by such use or operation.

Rev. Stat.,
c. 325, s. 10,
cl. i,
amended.

- (3) Clause i of the said section 10 is amended by striking out the words "the provincial forester, or any officer of the Department" in the second and third lines and inserting in lieu thereof the words "any officer or agent".

Rev. Stat.,
c. 325, s. 11,
re-enacted.

7. Section 11 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Powers of
Minister
as to
clearing
of land.

- 11.—(1) Wherever an officer or agent finds upon the land of any person or corporation in a fire district conditions existing which, in his opinion, may be the cause of danger to life or property from fire, he may order the owner or person in control of the land to do what, in his opinion, is necessary to remove such danger, and in default may enter upon such land with such assistants as he may deem necessary for the purpose of removing the danger.

Cost of
work

- (2) The cost of any work done by him or his assistants under subsection 1 shall be borne and paid by the owner or person in control of such lands and shall be recoverable by the Minister by action in any court of competent jurisdiction.

Penalty

- (3) Any person who neglects or refuses to carry out any order or direction given under the authority of

subsection 1 shall be guilty of an offence against this Act.

8.—(1) Clause *a* of subsection 1 of section 12 of *The Forest Fires Prevention Act* is amended by striking out the words "locomotive, logging engine, portable engine, traction engine or stationary engine, using fuel other than oil" in the second, third and fourth lines and inserting in lieu thereof the word "engine", so that the said clause shall now read as follows:

Rev. Stat.,
c. 325, s. 12,
subs. 1, cl. *a*,
amended.

(a) to use or operate within a quarter of a mile of any forest, slashing or bush land any engine which is not provided with a practical and efficient device for arresting sparks, together with an adequate device for preventing the escape of fire or live coals from all ash pans and fire boxes, and which does not comply in every respect with any regulations for the time being made and in force under and by virtue of the provisions of this Act.

Using
engines
without
prescribed
safeguards.

(2) Subsection 3 of the said section 12 is amended by striking out the words "provincial forester" in the third line and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 325, s. 12,
subs. 3,
amended.

9. Section 13 of *The Forest Fires Prevention Act* is amended by striking out the word "Railway" in the third line and inserting in lieu thereof the word "Transport", so that the said section shall now read as follows:

Rev. Stat.,
c. 325, s. 13,
amended.

13. It shall be the duty of every engineer in charge of any engine which is not subject to the jurisdiction of the Board of Transport Commissioners for Canada to see that all safety appliances required by this Act or by the regulations are properly used and applied, and in default he shall be guilty of an offence against this Act.

Duty of
engineer.

10. Section 14 of *The Forest Fires Prevention Act* is amended by striking out the words "provincial forester" where they occur in the sixth line of subsection 2, in the first line of subsection 3 and in the first and sixth lines of subsection 4 and inserting in lieu thereof the word "Minister".

Rev. Stat.,
c. 325, s. 14,
amended.

11. *The Forest Fires Prevention Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 325,
amended.

15a. The Minister may enter into such agreement with any municipality as he may deem advisable for the prevention and control of forest fires and any expenses incurred by the Department in carrying out any

Agreements
with muni-
cipalities.

such agreement shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Rev. Stat., c. 325, s. 16, amended. **12.** Section 16 of *The Forest Fires Prevention Act* is amended by adding thereto the following subsection:

Fires on Crown lands.

- (2) Where any such fire is confined entirely to Crown lands other than the lands of an owner as defined by subsection 1 of section 14, the total cost of extinguishing such fire shall be borne by the Department.

Rev. Stat., c. 325, s. 17, subs. 4, amended.

13. Subsection 4 of section 17 of *The Forest Fires Prevention Act* is amended by striking out the words "or other employee of the Department" in the second line and inserting in lieu thereof the words "or agent".

Rev. Stat., c. 325, s. 19, amended.

14. Section 19 of *The Forest Fires Prevention Act* is amended by striking out the words "The provincial forester and every officer acting under his direction" in the first and second lines and inserting in lieu thereof the words "Every officer and agent".

Rev. Stat., c. 325, s. 21, re-enacted.

15. Section 21 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor:

Extinguishment of fire.

21.—(1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,—

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,—

shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts.

Expenses incurred in extinguishing fires.

- (2) In addition to the other penalties provided by this Act, every owner who violates the provisions of subsection 1 shall be liable for all expenses incurred by the Department in attempting to extinguish such fire upon the land of which he is the owner or upon any land to which it spreads, and the amount thereof shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister.

Rev. Stat., c. 325, s. 22, subs. 1, amended.

16.—(1) Subsection 1 of section 22 of *The Forest Fires Prevention Act* is amended by striking out the words "author-

ized officer of the Department" in the fifth line and inserting in lieu thereof the words "officer or agent".

(2) Subsection 2 of the said section 22 is amended by striking out the words "of the Department" in the third line and inserting in lieu thereof the words "or agent". Rev. Stat., c. 325, s. 22, subs. 2, amended.

(3) Subsection 4 of the said section 22 is amended by striking out the words "the provincial forester or other officer of the Department" in the seventh line and inserting in lieu thereof the words "an officer or agent". Rev. Stat., c. 325, s. 22, subs. 4, amended.

17.—(1) Section 23 of *The Forest Fires Prevention Act* is amended by striking out the words "the provincial forester or other authorized officer" where they occur in the fourth and fifth lines of subsection 1, in the first line of subsection 3, in the fourth and fifth lines of clause *b* of subsection 3 and the first line of subsection 7, and inserting in lieu thereof the words "an officer or agent". Rev. Stat., c. 325, s. 23, amended.

(2) Subsection 4 of the said section 23 is repealed and the following substituted therefor: Rev. Stat., c. 325, s. 23, subs. 4, re-enacted.

(4) Where fire originates in any particular area in which summer operations are actually carried on by a permittee operating under the provisions of this section, or by any of his employees, or any person acting on his behalf, in the absence of the production of evidence to the contrary satisfactory to the Minister,— Cost of extinguishing a fire.

(a) the fire shall be presumed to have resulted from such operations; and

(b) the permittee shall bear the full cost of controlling and extinguishing the fire.

(3) Subsection 5 of the said section 23 is amended by striking out the figures and words "30th day of April" in the first line and inserting in lieu thereof the figures and words "31st day of March", so that the said subsection shall now read as follows: Rev. Stat., c. 325, s. 23, subs. 5, amended.

(5) All permits shall expire on the 31st day of March next after the date thereof and shall be subject to renewal only upon compliance with the terms thereof and with the provisions of this Act and regulations made thereunder. Expiration of permit.

(4) Subsection 8 of the said section 23 is amended by striking out the words "The provincial forester" in the first line and inserting in lieu thereof the words "An officer or agent", and Rev. Stat., c. 325, s. 23, subs. 8, amended.

by striking out the words "provincial forester" in the last line and inserting in lieu thereof the words "officer or agent".

Rev. Stat.,
c. 325, s. 24,
repealed.

18. Section 24 of *The Forest Fires Prevention Act* is repealed.

Rev. Stat.,
c. 325, s. 25,
subs. 1,
amended.

19.—(1) Subsection 1 of section 25 of *The Forest Fires Prevention Act* is amended by inserting after the word "about" in the fourth line the words "or set out fire for the purpose of cooking or obtaining warmth", so that the said subsection shall now read as follows:

Permit to
travel in
forest area.

(1) The Lieutenant-Governor in Council may, whenever he deems it necessary for the protection of any defined forest area within any fire district of Ontario, require that anyone wishing to enter and travel about or set out fire for the purpose of cooking or obtaining warmth in such area during the close season shall previously obtain a permit.

Rev. Stat.,
c. 325, s. 25,
subs. 2,
amended.

(2) Subsection 2 of the said section 25 is amended by striking out the words "the fire ranger of the place or from any other authorized person" in the second and third lines and inserting in lieu thereof the words "an officer or agent", so that the said subsection shall now read as follows:

Issue of
permit.

(2) Such permit, called "travel permit" may be obtained without charge from an officer or agent.

Rev. Stat.,
c. 325, s. 25,
subs. 3,
amended.

(3) Subsection 3 of the said section 25 is amended by inserting after the word "about" in the first line the words "or set out fire for the purpose of cooking or obtaining warmth", so that the said subsection shall now read as follows:

Entering
area with-
out permit.

(3) No person shall travel about or set out fire for the purpose of cooking or obtaining warmth in such defined area without having previously obtained a permit.

Rev. Stat.,
c. 325, s. 26,
amended.

20. Section 26 of *The Forest Fires Prevention Act* is amended by striking out the words "the fire rangers" in the second line and inserting in lieu thereof the words "an officer or agent", so that the said section shall now read as follows:

Information
to be given
by tourists,
etc.

26. Persons using or travelling in the forest shall, upon request, give an officer or agent or other authorized officers of the Crown information as to name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest from fire, and any person who refuses to give the information required by this section shall be guilty of an offence against this Act.

21. Section 28 of *The Forest Fires Prevention Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 325, s. 28,
re-enacted.

28.—(1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or any regulation or order made thereunder shall be guilty of an offence against this Act and shall incur a penalty of not less than \$25 and not more than \$300, and in default of payment may be imprisoned for a term not exceeding ninety days and such person shall be liable to the Department for any expenses incurred by it in endeavouring to control or extinguish any fire caused by or resulting from such disobedience, refusal or neglect. Penalty.

(2) The amount of any expenses for which any person is liable to the Department under subsection 1 shall be recoverable with costs as a debt due by action in any court of competent jurisdiction at the suit of the Minister, provided that where the amount claimed does not exceed \$300 and proceedings are taken under *The Summary Convictions Act* in respect of the disobedience, refusal or neglect, the magistrate, upon making a conviction may order payment of such amount to the Minister and every such order may be enforced in the same manner as a division court judgment. Expenses,—
recovery of.

Rev. Stat.,
c. 136.

22. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1946*. Short title.

BILL

An Act to amend The Forest Fires
Prevention Act.

1st Reading

March 15th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. THOMPSON

No. 99

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The word "municipality" as used in the Act is re-defined. Its meaning is broadened and brought up to date by including improvement districts and all boards and municipal authorities in unorganized townships and unsurveyed territory.

SECTION 2. These powers are new. They are designed to enable municipal procedures of assessment and tax collection to function more efficiently.

No. 99

1946

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act*, as amended by section 1 of *The Department of Municipal Affairs Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 59, s. 1,
cl. *f*, re-
enacted.

- (*f*) "Municipality" shall mean the corporation of a county, city, town, village, township or improvement district and shall include a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs in an unorganized township or unsurveyed territory;

"Municipality."

2. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 59,
amended.

- 9a. The Department shall in respect of any municipality or class thereof have power, notwithstanding any other Act,—

Powers re
assessment
rolls, tax
collection
procedures,
etc.

- (*a*) to prescribe the form of assessment returns, assessment rolls or collector's rolls and the particulars to be set down therein, or combine or vary the same from time to time;
- (*b*) upon the application of a municipality to extend for any period not exceeding sixty days the time for the return of the assessment roll or for making the revision or any final revision thereof, for making the report of the county assessor, for the examination of assessment rolls for the purpose of equalization, for the passing of an equalization by-law, or for the disposition of an equalization appeal;

Rev. Stat.,
c. 272.

- (c) to order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act* shall not apply and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition shall be subject to the approval of the Department.

Rev. Stat.,
c. 59, s. 32,
subs. 1,
amended.

3.—(1) Subsection 1 of section 32 of *The Department of Municipal Affairs Act*, as amended by subsections 2, 3 and 4 of section 21 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words “and order” in the fifth line and inserting in lieu thereof the words “or direct”, so that the first five lines of the said subsection shall now read as follows:

Powers of
Board with
respect to
debt.

- (1) Where a municipality has become subject to this Part the Board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize or direct,—

Rev. Stat.,
c. 59, s. 32,
subs. 2,
cls. a, b
(1938,
c. 10, s. 2),
amended.

(2) Clauses *a* and *b* of subsection 2 of the said section 32, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1938*, are amended by striking out the words “and order” where they occur in the first line of each of the said clauses and inserting in lieu thereof in each instance the words “or direct”, so that the said clauses shall now read as follows:

- (a) authorize or direct any municipality, whether or not it has become subject to this Part, to continue to guarantee any such debentures notwithstanding any postponement or variation in the terms, provisions and time of payment thereof, and to guarantee any new debentures issued in substitution and exchange therefor;
- (b) authorize or direct any municipality, whether or not it has become subject to this Part, to assume and pay by the issue of debentures or otherwise a share of any liability in respect of which such municipality may be jointly or jointly and severally liable with any other municipality, which share may be either in full satisfaction of such liability of such municipality or on account thereof, and, if on account, the Board may order that provision be made for further payment in respect thereof.

SECTION 3—Subsection 1. The words “or direct” are substituted for “and order” to make it clear that the board may by order “authorize” or may by order “direct”, i.e., that the powers are alternative.

Subsection 2. Complementary to subsection 1.

SECTION 4. This provision is new. It is designed to avoid the necessity of repeating notice provisions of the section when the Board wishes to vary the terms of a matter already before it. It is considered that in such circumstances the expense and delay (two months) of the present section are unduly burdensome and that under the new subsection all interests will be amply protected.

SECTION 5. At the present time the moneys of a municipality under supervision must be deposited in a chartered bank. As amended, a municipality may deposit moneys in the Province of Ontario Savings Office or a loan or trust company instead of a chartered bank.

SECTION 6. These amendments are made so that all taxes and local improvement rates and interest and penalties on both must be paid in addition to the other items mentioned before a person entitled may redeem land that has been vested in the municipality by the registration of a tax arrears certificate.

"Corporation" is changed to "municipality" to conform with section 1 as re-enacted and other relevant provisions.

4. Section 34 of *The Department of Municipal Affairs Act*, Rev. Stat., c. 59, s. 34, amended. as amended by section 3 of *The Department of Municipal Affairs Amendment Act, 1938*, is further amended by adding thereto the following subsection:

- (5) When a matter is being dealt with by the Board When matter to be varied. under this section and the Board intends to vary the terms thereof, it shall, before so doing, give or direct that there be given notice of such intention to such persons and in such manner as to the Board may seem proper and such notice shall state the time and place when such variation is to be dealt with by the Board, which time shall not be less than two weeks after the notice.

5. Section 39 of *The Department of Municipal Affairs Act* Rev. Stat., c. 59, s. 39, amended. is amended by inserting after the word "bank" in the fourth line the words "the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*", so that the said section shall now read as follows:

39. The Department shall have full charge and control Department to have control over moneys and their application. over all moneys belonging to the municipality and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank, the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*, Rev. Stat., c. 257. to be designated by the municipality and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the Department may approve and direct, and all cheques drawn and issued by the municipality shall be signed and countersigned by such persons and in such manner as the Department may authorize and no moneys belonging to or revenues of the municipality may be appropriated, applied, paid, used, transferred or withdrawn by any person except with the approval of or otherwise than directed by the Department.

6. Subsection 1 of section 44 of *The Department of Municipal Affairs Act*, Rev. Stat., c. 59, s. 44, subs. 1, amended. as amended by subsection 3 of section 6 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "interest thereon" in the thirteenth line and inserting in lieu thereof the words "the penalties and interest on such taxes and rates" and by striking out the word "corporation" wherever the said word appears in the said subsection and inserting in lieu thereof in each instance the word "municipality", so that the said subsection shall now read as follows:

Right of
redemption.

- (1) The owner of or any person appearing by the records of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 43, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 59,
amended.

7. *The Department of Municipal Affairs Act* is amended by adding thereto the following sections:

Conveyance
to former
owner, etc.

- 47a. Notwithstanding the provisions of this or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 43 shall at any time, with the approval of the Department, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and

SECTION 7—(47a). This section, which has appeared in tax sale confirmation Acts of the past few years, is now put in this Act, so that hereafter it will be unnecessary to pass it year by year.

(47*b*). This provision is new. It is designed to ensure that the proceeds mentioned will be distributed equitably.

insurance and together with the costs in connection with such vesting and of such conveyance.

- 47b. The proceeds derived from the sale or other disposition of lands that become the property of the municipality by virtue of section 43 shall be distributed in such manner and in such amounts as may be agreed upon, or failing agreement, as the Department may direct, to the bodies that would have received the proceeds of taxes on such lands, if taxes had been collected in the usual way.
- Proceeds of
sale, etc.,
to be distributed.

8. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1946*. ^{Short title.}

BILL

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 15th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. DUNBAR

(Reprinted as amended by the Committee on Municipal Law.)

EXPLANATORY NOTES

SECTION 1. The word "municipality" as used in the Act is re-defined. Its meaning is broadened and brought up to date by including improvement districts and all boards and municipal authorities in unorganized townships and unsurveyed territory.

SECTION 2. These powers are new. They are designed to enable municipal procedures of assessment and tax collection to function more efficiently.

No. 99

1946

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act*, as amended by section 1 of *The Department of Municipal Affairs Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 59, s. 1,
cl. *f*, re-
enacted.

- (*f*) "Municipality" shall mean the corporation of a county, city, town, village, township or improvement district and shall include a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs in an unorganized township or unsurveyed territory;

2. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 59,
amended.

- 9a. The Department shall in respect of any municipality or class thereof have power, notwithstanding any other Act,—

Powers re
assessment
rolls, tax
collection
procedures,
etc.

- (*a*) to prescribe the form of assessment returns, assessment rolls or collector's rolls and the particulars to be set down therein, or combine or vary the same from time to time;
- (*b*) upon the application of a municipality to extend for any period not exceeding sixty days the time for the return of the assessment roll or for making the revision or any final revision thereof, for making the report of the county assessor, for the examination of assessment rolls for the purpose of equalization, for the passing of an equalization by-law, or for the disposition of an equalization appeal;

Rev. Stat.,
c. 272.

- (c) to order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act* shall not apply and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition shall be subject to the approval of the Department.

Rev. Stat.,
c. 59, s. 32,
subs. 1,
amended.

3.—(1) Subsection 1 of section 32 of *The Department of Municipal Affairs Act*, as amended by subsections 2, 3 and 4 of section 21 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words "and order" in the fifth line and inserting in lieu thereof the words "or direct", so that the first five lines of the said subsection shall now read as follows:

Powers of
Board with
respect to
debt.

- (1) Where a municipality has become subject to this Part the Board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize or direct,—

.

Rev. Stat.,
c. 59, s. 32,
subs. 2,
cls. a, b
(1938,
c. 10, s. 2),
amended.

(2) Clauses *a* and *b* of subsection 2 of the said section 32, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1938*, are amended by striking out the words "and order" where they occur in the first line of each of the said clauses and inserting in lieu thereof in each instance the words "or direct", so that the said clauses shall now read as follows:

- (a) authorize or direct any municipality, whether or not it has become subject to this Part, to continue to guarantee any such debentures notwithstanding any postponement or variation in the terms, provisions and time of payment thereof, and to guarantee any new debentures issued in substitution and exchange therefor;
- (b) authorize or direct any municipality, whether or not it has become subject to this Part, to assume and pay by the issue of debentures or otherwise a share of any liability in respect of which such municipality may be jointly or jointly and severally liable with any other municipality, which share may be either in full satisfaction of such liability of such municipality or on account thereof, and, if on account, the Board may order that provision be made for further payment in respect thereof.

SECTION 3—Subsection 1. The words “or direct” are substituted for “and order” to make it clear that the board may by order “authorize” or may by order “direct”, i.e., that the powers are alternative.

Subsection 2. Complementary to subsection 1.

SECTION 4. This provision is new. It is designed to avoid the necessity of repeating notice provisions of the section when the Board wishes to vary the terms of a matter already before it. It is considered that in such circumstances the expense and delay (two months) of the present section are unduly burdensome and that under the new subsection all interests will be amply protected.

SECTION 5. At the present time the moneys of a municipality under supervision must be deposited in a chartered bank. As amended, a municipality may deposit moneys in the Province of Ontario Savings Office or a loan or trust company instead of a chartered bank.

SECTION 6. These amendments are made so that all taxes and local improvement rates and interest and penalties on both must be paid in addition to the other items mentioned before a person entitled may redeem land that has been vested in the municipality by the registration of a tax arrears certificate.

"Corporation" is changed to "municipality" to conform with section 1 as re-enacted and other relevant provisions.

4. Section 34 of *The Department of Municipal Affairs Act*, ^{Rev. Stat., c. 59, s. 34, amended.} as amended by section 3 of *The Department of Municipal Affairs Amendment Act, 1938*, is further amended by adding thereto the following subsection:

- (5) When a matter is being dealt with by the Board ^{When matter to be varied.} under this section and the Board intends to vary the terms thereof, it shall, before so doing, give or direct that there be given notice of such intention to such persons and in such manner as to the Board may seem proper and such notice shall state the time and place when such variation is to be dealt with by the Board, which time shall not be less than two weeks after the notice.

5. Section 39 of *The Department of Municipal Affairs Act* ^{Rev. Stat., c. 59, s. 39, amended.} is amended by inserting after the word "bank" in the fourth line the words "the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*", so that the said section shall now read as follows:

39. The Department shall have full charge and control ^{Department to have control over moneys and their application.} over all moneys belonging to the municipality and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank, the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*, ^{Rev. Stat., c. 257.} to be designated by the municipality and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the Department may approve and direct, and all cheques drawn and issued by the municipality shall be signed and countersigned by such persons and in such manner as the Department may authorize and no moneys belonging to or revenues of the municipality may be appropriated, applied, paid, used, transferred or withdrawn by any person except with the approval of or otherwise than directed by the Department.

6. Subsection 1 of section 44 of *The Department of Municipal Affairs Act*, as amended by subsection 3 of section 6 of *The Statute Law Amendment Act, 1939*, ^{Rev. Stat., c. 59, s. 44, subs. 1, re-enacted.} is repealed and the following substituted therefor:

- (1) The owner of or any person appearing by the records ^{Right of redemption.} of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within

one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 43, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 59,
amended.

7. *The Department of Municipal Affairs Act* is amended by adding thereto the following sections:

Conveyance
to former
owner, etc.

47a. Notwithstanding the provisions of this or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 43 shall at any time, with the approval of the Department, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of such conveyance.

SECTION 7—(47a). This section, which has appeared in tax sale confirmation Acts of the past few years, is now put in this Act, so that hereafter it will be unnecessary to pass it year by year.

(47*b*). This provision is new. It is designed to ensure that the proceeds mentioned will be distributed equitably.

47b. The proceeds derived from the sale or other dis-
 position of lands that become the property of the
 municipality by virtue of section 43 shall be dis-
 tributed in such manner and in such amounts as may
 be agreed upon, or failing agreement, as the Depart-
 ment may direct, to the bodies that would have
 received the proceeds of taxes on such lands, if taxes
 had been collected in the usual way.

Proceeds of
 sale, etc.,
 to be dis-
 tributed.

8. This Act may be cited as *The Department of Municipal* Short title.
Affairs Amendment Act, 1946.

BILL

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 15th, 1946

2nd Reading

March 21st, 1946

3rd Reading

MR. DUNBAR

(Reprinted as amended by the Committee on
Municipal Law.)

No. 99

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Municipal Affairs Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 99

1946

BILL

An Act to amend The Department of Municipal Affairs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *f* of section 1 of *The Department of Municipal Affairs Act*, as amended by section 1 of *The Department of Municipal Affairs Amendment Act, 1942*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 59, s. 1,
cl. *f*, re-
enacted.

(*f*) "Municipality" shall mean the corporation of a county, city, town, village, township or improvement district and shall include a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs in an unorganized township or unsurveyed territory;

2. *The Department of Municipal Affairs Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 59,
amended.

9a. The Department shall in respect of any municipality or class thereof have power, notwithstanding any other Act,—

Powers re
assessment
rolls, tax
collection
procedures,
etc.

(*a*) to prescribe the form of assessment returns, assessment rolls or collector's rolls and the particulars to be set down therein, or combine or vary the same from time to time;

(*b*) upon the application of a municipality to extend for any period not exceeding sixty days the time for the return of the assessment roll or for making the revision or any final revision thereof, for making the report of the county assessor, for the examination of assessment rolls for the purpose of equalization, for the passing of an equalization by-law, or for the disposition of an equalization appeal;

Rev. Stat.,
c. 272.

- (c) to order that the tax arrears procedures of this Act shall apply and that the tax sale procedures of *The Assessment Act* shall not apply and in such case the use or disposition of land vested in the municipality under the tax arrears procedures and the application of the proceeds of such use or disposition shall be subject to the approval of the Department.

Rev. Stat.,
c. 59, s. 32,
subs. 1,
amended.

3.—(1) Subsection 1 of section 32 of *The Department of Municipal Affairs Act*, as amended by subsections 2, 3 and 4 of section 21 of *The Statute Law Amendment Act, 1940*, is further amended by striking out the words “and order” in the fifth line and inserting in lieu thereof the words “or direct”, so that the first five lines of the said subsection shall now read as follows:

Powers of
Board with
respect to
debt.

- (1) Where a municipality has become subject to this Part the Board, with respect to the debenture debt and debentures of the municipality and interest thereon and with respect to any other indebtedness thereof, shall have power to authorize or direct,—

.

Rev. Stat.,
c. 59, s. 32,
subs. 2,
cls. a, b
(1938,
c. 10, s. 2),
amended.

(2) Clauses *a* and *b* of subsection 2 of the said section 32, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1938*, are amended by striking out the words “and order” where they occur in the first line of each of the said clauses and inserting in lieu thereof in each instance the words “or direct”, so that the said clauses shall now read as follows:

- (a) authorize or direct any municipality, whether or not it has become subject to this Part, to continue to guarantee any such debentures notwithstanding any postponement or variation in the terms, provisions and time of payment thereof, and to guarantee any new debentures issued in substitution and exchange therefor;
- (b) authorize or direct any municipality, whether or not it has become subject to this Part, to assume and pay by the issue of debentures or otherwise a share of any liability in respect of which such municipality may be jointly or jointly and severally liable with any other municipality, which share may be either in full satisfaction of such liability of such municipality or on account thereof, and, if on account, the Board may order that provision be made for further payment in respect thereof.

4. Section 34 of *The Department of Municipal Affairs Act*, ^{Rev. Stat., c. 59, s. 34, amended.} as amended by section 3 of *The Department of Municipal Affairs Amendment Act, 1938*, is further amended by adding thereto the following subsection:

- (5) When a matter is being dealt with by the Board ^{When matter to be varied.} under this section and the Board intends to vary the terms thereof, it shall, before so doing, give or direct that there be given notice of such intention to such persons and in such manner as to the Board may seem proper and such notice shall state the time and place when such variation is to be dealt with by the Board, which time shall not be less than two weeks after the notice.

5. Section 39 of *The Department of Municipal Affairs Act* ^{Rev. Stat., c. 59, s. 39, amended.} is amended by inserting after the word "bank" in the fourth line the words "the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*", so that the said section shall now read as follows:

39. The Department shall have full charge and control ^{Department to have control over moneys and their application.} over all moneys belonging to the municipality and received by any person for or on its behalf and such moneys shall be deposited in a chartered bank, the Province of Ontario Savings Office or a loan or trust company registered under *The Loan and Trust Corporations Act*, ^{Rev. Stat., c. 257.} to be designated by the municipality and when so deposited shall only be applied, used, transferred and withdrawn for such purpose in such manner and at such time or times as the Department may approve and direct, and all cheques drawn and issued by the municipality shall be signed and countersigned by such persons and in such manner as the Department may authorize and no moneys belonging to or revenues of the municipality may be appropriated, applied, paid, used, transferred or withdrawn by any person except with the approval of or otherwise than directed by the Department.

6. Subsection 1 of section 44 of *The Department of Municipal Affairs Act*, ^{Rev. Stat., c. 59, s. 44, subs. 1, re-enacted.} as amended by subsection 3 of section 6 of *The Statute Law Amendment Act, 1939*, is repealed and the following substituted therefor:

- (1) The owner of or any person appearing by the records ^{Right of redemption.} of the registry office or the sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered may redeem the same at any time within

one year after the date of registration of the certificate by paying to the municipality the amount set forth in such certificate in respect of the land to be redeemed with interest thereon to the day of redemption, together with the amount of all expenses incurred by the municipality and the treasurer in registering the certificates and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 43, and also by paying to the municipality all taxes including the local improvement rates and the penalties and interest on such taxes and rates that have accrued against the land and that would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed and upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Rev. Stat.,
c. 59,
amended.

7. *The Department of Municipal Affairs Act* is amended by adding thereto the following sections:

Conveyance
to former
owner, etc.

47a. Notwithstanding the provisions of this or any other Act, where land in respect of which a tax arrears certificate has been registered has become vested in the municipality and the period for redemption has expired and where such land has not been sold or conveyed and has not been declared by by-law to be required for the purposes of the municipality, any person to whom notice was sent under subsection 4 of section 43 shall at any time, with the approval of the Department, be entitled to a conveyance of such land upon payment of the full amount that would have been payable in respect of taxes, interest and penalties had the land not become vested in the municipality, together with the amount with interest thereon of any expenditure incurred for repairs and insurance and together with the costs in connection with such vesting and of such conveyance.

- 47b. The proceeds derived from the sale or other disposition of lands that become the property of the municipality by virtue of section 43 shall be distributed in such manner and in such amounts as may be agreed upon, or failing agreement, as the Department may direct, to the bodies that would have received the proceeds of taxes on such lands, if taxes had been collected in the usual way. Proceeds of sale, etc., to be distributed.

8. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1946*. Short title.

An Act to amend The Department of
Municipal Affairs Act.

1st Reading

March 15th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

No. 100

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Cullers Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The principal purpose of the Bill is to limit the term of a culler's license to one year with provisions for renewal. Failure to renew for a period of three years disentitles the holder to have the license further renewed. These provisions are effected by the re-enactment of section 7 of the Act as contained in section 2 of the Bill. Sections 3 and 4 of the Bill are complementary to section 2.

Section 1 of the Bill revises and refines the definition of "cull" prescribing different standards in the case of pulpwood and sawlogs.

No. 100

1946

BILL

An Act to amend The Cullers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Cullers Act*, as enacted by Rev. Stat., c. 240, s. 1, section 12 of *The Statute Law Amendment Act, 1943*, is repealed ^{cl. *a*} (1943, c. 28, s. 12), and the following substituted therefor: re-enacted.

(a) "Cull" shall mean,

"Cull",—
meaning of.

(i) in reference to pulpwood, a log having less than one-half of its cubical content of sound wood,
and

(ii) in reference to sawlogs, a log having less than one-third of its board measure of sound wood.

2. Section 7 of *The Cullers Act* is repealed and the following substituted therefor: Rev. Stat., c. 240, s. 7, re-enacted.

7.—(1) The Minister may issue a culler's license to any person who,—
Culler's license.

(a) has been recommended by a board as provided in section 5; and

(b) has taken the oath prescribed by section 8,

and may designate any such license as a pulpwood culler's license or a sawlog culler's license.

(2) Every license shall expire on the 31st day of March next following the date of the issue thereof. Expiration of license.

(3) A license may, upon application to the Minister, be renewed from time to time either before or after the expiration thereof or of the last renewal and every renewal shall expire on the 31st day of March next following the date thereof but where a license has
Renewal of license.

not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

Suspension
or cancella-
tion of
license.

- (4) The Minister may suspend or cancel the license of a culler for failure to observe any of the provisions of the Act or of any requirement lawfully made by the Minister.

Effect of
license.

- (5) A person who is the holder of a license as culler of sawlogs shall be entitled thereunder to measure and cull pulpwood.

Rev. Stat.,
c. 240, s. 15,
re-enacted.

3. Section 15 of *The Cullers Act* is repealed and the following substituted therefor:

Penalty.

- 15.—(1) Every person who, not being the holder of a license under this Act performs or attempts to perform the duties of a culler, shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50 for each offence.

Idem.

- (2) Every person who, being the holder of a pulpwood culler's license only, performs or attempts to perform the duties of a sawlog culler, shall be guilty of an offence and liable to the penalties prescribed in subsection 1.

Rev. Stat.,
c. 240,
amended.

4. *The Cullers Act* is amended by adding thereto the following section:

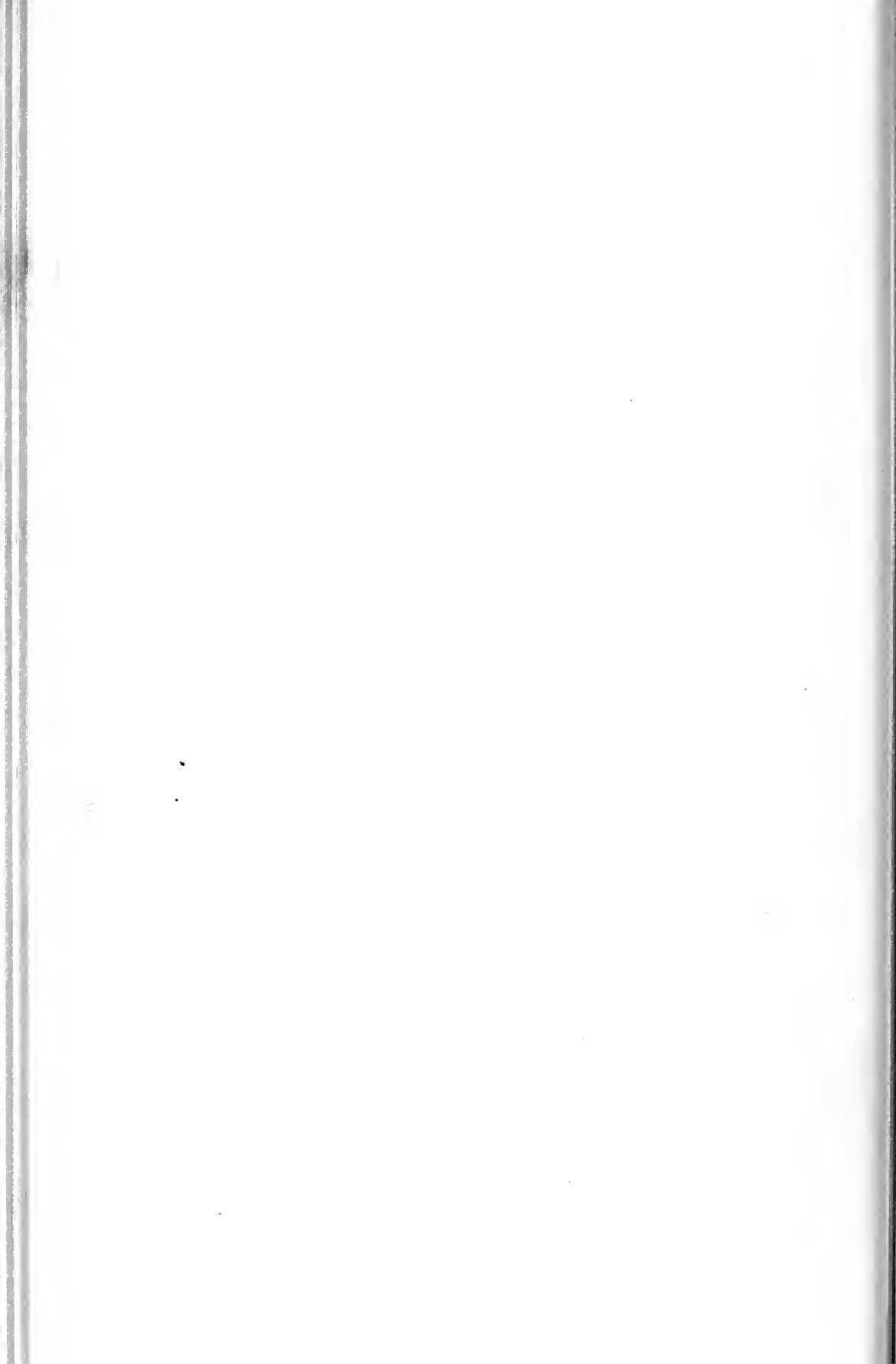
Regulations.

19. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of licenses and renewals and other forms for use under this Act;
- (b) prescribing fees payable in respect of licenses and renewals thereof; and
- (c) generally for the better carrying out of the provisions of this Act.

Short title.

5. This Act may be cited as *The Cullers Amendment Act, 1946*.



BILL

An Act to amend The Cullers Act.

1st Reading

March 18th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

No. 100

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Cullers Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 100

1946

BILL

An Act to amend The Cullers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Cullers Act*, as enacted by Rev. Stat., c. 240, s. 1, cl. *a* (1943, c. 28, s. 12), re-enacted, section 12 of *The Statute Law Amendment Act, 1943*, is repealed and the following substituted therefor:

(a) "Cull" shall mean,

"Cull",—
meaning of.

(i) in reference to pulpwood, a log having less than one-half of its cubical content of sound wood, and

(ii) in reference to sawlogs, a log having less than one-third of its board measure of sound wood.

2. Section 7 of *The Cullers Act* is repealed and the following substituted therefor: Rev. Stat., c. 240, s. 7, re-enacted.

7.—(1) The Minister may issue a culler's license to any person who,— Culler's license.

(a) has been recommended by a board as provided in section 5; and

(b) has taken the oath prescribed by section 8,

and may designate any such license as a pulpwood culler's license or a sawlog culler's license.

(2) Every license shall expire on the 31st day of March next following the date of the issue thereof. Expiration of license.

(3) A license may, upon application to the Minister, be renewed from time to time either before or after the expiration thereof or of the last renewal and every renewal shall expire on the 31st day of March next following the date thereof but where a license has Renewal of license.

not been renewed within three years after its expiration or after the expiration of the last renewal, it shall not be further renewed.

Suspension
or cancella-
tion of
license.

- (4) The Minister may suspend or cancel the license of a culler for failure to observe any of the provisions of the Act or of any requirement lawfully made by the Minister.

Effect of
license.

- (5) A person who is the holder of a license as culler of sawlogs shall be entitled thereunder to measure and cull pulpwood.

Rev. Stat.,
c. 240, s. 15,
re-enacted.

3. Section 15 of *The Cullers Act* is repealed and the following substituted therefor:

Penalty.

- 15.—(1) Every person who, not being the holder of a license under this Act performs or attempts to perform the duties of a culler, shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50 for each offence.

Idem.

- (2) Every person who, being the holder of a pulpwood culler's license only, performs or attempts to perform the duties of a sawlog culler, shall be guilty of an offence and liable to the penalties prescribed in subsection 1.

Rev. Stat.,
c. 240,
amended.

4. *The Cullers Act* is amended by adding thereto the following section:

Regulations.

19. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing forms of licenses and renewals and other forms for use under this Act;
- (b) prescribing fees payable in respect of licenses and renewals thereof; and
- (c) generally for the better carrying out of the provisions of this Act.

Short title.

5. This Act may be cited as *The Cullers Amendment Act, 1946*.

BILL

An Act to amend The Cullers Act.

1st Reading

March 18th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. THOMPSON

No. 101

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Labour Relations Board Act, 1944.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The amendments to *The Labour Relations Board Act, 1944*, contained in this Bill provide for the appointment of an alternate chairman of the Ontario Labour Relations Board; bring the Act up to date by including in the appropriate context references to *The National Emergency Transitional Powers Act, 1945* (Canada); and provide for the extension of the scope of the regulations under the Act to include all employees under provincial jurisdiction in the event that such regulations cease to have effect under Dominion legislation.

BILL

An Act to amend The Labour Relations Board Act, 1944.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 2 of *The Labour Relations Board Act, 1944*, is amended by adding after the word “(Canada)” in the second line the words “or *The National Emergency Transitional Powers Act, 1945* (Canada)”, so that the said clause shall now read as follows:

(*d*) any other regulations made under or pursuant to the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada).

(2) Subsection 2 of the said section 2 is amended by inserting after the word “(Canada)” where it occurs in the seventh and tenth lines respectively the words “or *The National Emergency Transitional Powers Act, 1945* (Canada)”, so that the said subsection shall now read as follows:

(2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada).

2. Subsection 2 of section 4 of *The Labour Relations Board Act, 1944*, is amended by inserting after the word “(Canada)”

in the third line the words "*The National Emergency Transitional Powers Act, 1945 (Canada)*", so that the said subsection shall now read as follows:

Powers and
duties of
Board.

- (2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the *War Measures Act (Canada)*, the *National Emergency Transitional Powers Act, 1945 (Canada)* or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts.

1944,
c. 29, s. 5,
amended.

3.—(1) Section 5 of *The Labour Relations Board Act, 1944*, is amended by adding thereto the following subsection:

Alternate
chairman.

- (1a) The Lieutenant-Governor in Council may appoint an alternate chairman who shall be a member of the board and act as the chairman thereof only,—

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act.

1944,
c. 29, s. 5,
subs. 8,
amended.

(2) Subsection 8 of the said section 5 is amended by inserting after the word "chairman" in the third line of the form the words "*or alternate chairman*", so that the said subsection shall now read as follows:

Oath of
office.

- (8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or chairman, or alternate chairman*) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

1944,
c. 29, s. 8,
amended.

4. Section 8 of *The Labour Relations Board Act, 1944*, is amended by adding thereto the following subsection:

Amendments
to regula-
tions by
Lieutenant-
Governor in
Council.

- (2) In the event of the regulations under the *War Measures Act (Canada)* or the *National Emergency Transitional Powers Act, 1945 (Canada)*, which are applicable to employees or employers in Ontario, ceasing to be operative for the purposes of the Acts of the Parlia-

ment of Canada by reason of the revocation thereof pursuant to any such Act or of the repeal or expiration of the Act of the Parliament of Canada under which they are in force, the Lieutenant-Governor in Council may make such amendments to such regulations as may be necessary in order to extend the scope thereof to all or any employees and employers coming under the legislative jurisdiction of the Legislature of Ontario and such other amendments as he may deem necessary to the efficient operation thereof.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The Labour Relations Board Amendment Act, 1946.* Short title.

BILL

Ab Act to amend The Labour Relations
Board Act, 1944.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. DALEY

No. 101

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Labour Relations Board Act, 1944.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Labour Relations Board Act, 1944.

HIS Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of subsection 1 of section 2 of *The Labour Relations Board Act, 1944*, is amended by adding after the word “(Canada)” in the second line the words “or *The National Emergency Transitional Powers Act, 1945* (Canada)”, so that the said clause shall now read as follows:

1944,
c. 29, s. 2,
subs. 1,
cl. d,
amended.

(d) any other regulations made under or pursuant to the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada).

(2) Subsection 2 of the said section 2 is amended by inserting after the word “(Canada)” where it occurs in the seventh and tenth lines respectively the words “or *The National Emergency Transitional Powers Act, 1945* (Canada)”, so that the said subsection shall now read as follows:

1944,
c. 29, s. 2,
subs. 2,
amended.

(2) Any regulations or amendments thereto which are made applicable to any of the employees and employers mentioned in subsection 1 shall, subject to any order of the Lieutenant-Governor in Council, have the same force and effect as an Act of this Legislature and shall continue in full force and effect notwithstanding any revocation or amendment thereof made under the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada) and notwithstanding that because of the termination of the war or for any other reason they may become inoperative as regulations under the *War Measures Act* (Canada) or *The National Emergency Transitional Powers Act, 1945* (Canada).

Effect of
Dominion
regulations.

R.S.C.,
c. 206.

2. Subsection 2 of section 4 of *The Labour Relations Board Act, 1944*, is amended by inserting after the word “(Canada)”

1944,
c. 29, s. 4,
subs. 2,
amended.

in the third line the words "*The National Emergency Transitional Powers Act, 1945* (Canada)", so that the said subsection shall now read as follows:

Powers and
duties of
Board.

- (2) The Board shall exercise such powers and perform such duties as may be vested in or imposed upon it by this Act, the *War Measures Act* (Canada), *The National Emergency Transitional Powers Act, 1945* (Canada) or any other Act of this Legislature or any regulation or agreement made under or pursuant to any of such Acts.

1944,
c. 29, s. 5,
amended.

3.—(1) Section 5 of *The Labour Relations Board Act, 1944*, is amended by adding thereto the following subsection:

Alternate
chairman.

- (1a) The Lieutenant-Governor in Council may appoint an alternate chairman who shall be a member of the board and act as the chairman thereof only,—

(a) at such times or in such matters as the chairman may direct; and

(b) at such times as the chairman is unable to act.

1944,
c. 29, s. 5,
subs. 8,
amended.

(2) Subsection 8 of the said section 5 is amended by inserting after the word "chairman" in the third line of the form the words "*or alternate chairman*", so that the said subsection shall now read as follows:

Oath of
office.

- (8) Each member of the Board shall, before acting as such, take and subscribe before the Clerk of the Executive Council and shall file in the office of such Clerk, an oath of office in the following form:

"I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of member (*or chairman, or alternate chairman*) of the Ontario Labour Relations Board and will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the said Board. So help me God."

1944,
c. 29, s. 8,
amended.

4. Section 8 of *The Labour Relations Board Act, 1944*, is amended by adding thereto the following subsection:

Amendments
to regula-
tions by
Lieutenant-
Governor in
Council.

- (2) In the event of the regulations under the *War Measures Act* (Canada) or the *National Emergency Transitional Powers Act, 1945* (Canada), which are applicable to employees or employers in Ontario, ceasing to be operative for the purposes of the Acts of the Parlia-

ment of Canada by reason of the revocation thereof pursuant to any such Act or of the repeal or expiration of the Act of the Parliament of Canada under which they are in force, the Lieutenant-Governor in Council may make such amendments to such regulations as may be necessary in order to extend the scope thereof to all or any employees and employers coming under the legislative jurisdiction of the Legislature of Ontario and such other amendments as he may deem necessary to the efficient operation thereof.

5. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

6. This Act may be cited as *The Labour Relations Board Amendment Act, 1946*. Short title.



BILL

An Act to amend The Labour Relations
Board Act, 1944.

1st Reading

March 19th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act to provide Relief for Persons who have suffered Substantial
Impairment of Income owing to Illness or Unemployment,
or any other cause beyond their control,
in respect of their homes.**

MR. TAYLOR (*Temiskaming*)

EXPLANATORY NOTE

The purpose of the Bill is to provide relief for mortgagors and purchasers of farms and dwellings who have suffered substantial impairment of income owing to illness or unemployment or any other cause beyond their control, or a dependant of such persons. Any such person may make an application to a judge for stay of proceedings taken under a mortgage or agreement to purchase upon such terms as the judge may think fit.

BILL

An Act to provide Relief for Persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment, or any other cause beyond their control, in respect of their homes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "action or proceeding" shall include proceedings by way of foreclosure, or sale under power of sale, execution on any judgment or order of any court, distress, forfeiture, judgment or order for possession, or any other judgment or order of any court or otherwise, relating to any mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof; ^{"action or proceeding";}
- (b) "judge" shall mean judge of the county or district court except in the Counties of York and Carleton where it shall mean Master and local master of the Supreme Court respectively; and ^{"judge";}
- (c) "substantial impairment of income" shall mean substantial impairment of income in respect of the twelve-month period immediately preceding an application under this Act as compared with the average annual income for the five years preceding the year in which the application is made. ^{"substantial impairment of income".}

2.—(1) Subject to the provisions of section 9, the provisions of this Act shall apply to a mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, of any land or any interest therein where,— ^{Application of Act.}

- (a) the mortgagor, purchaser or any other person liable to make payments thereunder is a person who has

suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, and owns and resides upon and occupies the land or premises covered by such mortgage, contract, agreement or renewal or extension thereof; and

- (b) such mortgage, contract, agreement, renewal or extension was made or entered into prior to the 1st day of April, 1946.

Idem.

(2) The provisions of this Act shall apply to,—

- (a) a one or two family dwelling house owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of such person and in which he resides;
- (b) premises owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, in which he carries on exclusively a retail business or a petty trade and which in addition contains one or two self-contained apartments in one of which he resides; and
- (c) farm land owned by a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, upon which he resides and which is used for general farming, dairying, fruit farming, market gardening, poultry raising or any other agricultural purpose.

Application
for stay of
proceedings.

3. In any action or proceeding,—

- (a) arising out of default in payment of principal or interest due under, or out of any other breach of, the terms of a mortgage, agreement for sale or purchase, or a renewal or extension thereof, of any land or interest therein; and
- (b) commenced or continued while the mortgagor, purchaser or other person who is a defendant is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person,

an application may be made to the judge for a stay or postponement of the action or proceedings by such person.

4.—(1) The judge in his absolute discretion may give ^{Directions.} directions as to the service of notice of the hearing of the application upon any person whom he deems to be a proper party of the proceedings, and may adjourn the hearing for that purpose, or he may dispense with notice of the application upon any such person and proceed with the hearing.

(2) Upon service of notice of the hearing of the application ^{Stay of proceedings.} hereunder upon the person who commenced or continued the action or proceedings, the action or proceeding shall *ipso facto* be stayed pending the final disposition of such application.

5.—(1) Upon the hearing of the application if the judge ^{Order of judge.} is of opinion that the applicant's inability to make such payment or perform such other terms is attributable to the fact that he is a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, he may in his absolute discretion make such order as he deems proper, having regard to the position of all the parties, staying or postponing the action or proceeding for such time, upon such terms and conditions as he thinks fit.

(2) Without derogating from the powers vested in the judge ^{Powers of judge.} under subsection 1, the judge may,—

(a) determine,

(i) the value of the interest of the applicant in the premises in respect of which the application is made, and

(ii) the fair rental value of the premises; and

(b) order that an amount representing the fair rental value together with any other amounts paid out in respect of the premises for taxes and necessary repairs to and maintenance of the premises by the mortgagee or vendor, his assignee or personal representative shall from time to time be charged against the amount representing the value of the interest of the applicant in the premises and that the applicant shall be permitted to occupy the premises until such last-mentioned amount is thereby exhausted.

6. No costs shall be allowed by the judge on any hearing ^{No costs.} and no fees payable to the Crown, whether collected by law stamps or otherwise shall be charged or collected upon any application under this Act.

Default of
applicant.

7. If the terms of any order made under this Act in any action or proceeding are not complied with by the applicant, such action or other proceedings may continue and shall be deemed for all purposes other than the purposes of *The Limitations Act*, to have commenced as and from the date of the failure to comply with the terms of such order, and not from the date when the action or other proceedings were taken.

Rev. Stat.,
c. 118.

Power of
court in
action.

8. Where an action or proceeding has been taken upon a mortgage or contract to which this Act applies, upon the trial of any issue arising in the action or proceeding, the court, whether or not an application or order has been made as provided by section 4, may exercise the discretion and make the order provided for by section 5.

Not to
apply to
certain
loans.

9. This Act shall not apply to loans made under *The Dominion Housing Act, 1935* (Canada), *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada).

Rights of
dependants.

10. Any dependant of a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control shall be entitled to the benefits accorded to a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, by this Act if the judge is of opinion that the inability of the dependant to comply with the term of a mortgage, contract or agreement for sale or purchase, or renewal or extension thereof, as the case may be, is attributable to the fact that the person upon whom he is dependant has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control.

Actions
against
guarantors.

11. Any action or proceeding against any person liable as principal or guarantor or otherwise upon any covenant or agreement as principal or guarantor or otherwise, whether express or implied under any mortgage, contract or agreement for sale or purchase, or a renewal or extension thereof, of any land or any interest therein coming within the provisions of this Act shall, *ipso facto*, be stayed pending the final disposition of any application and during the period for which relief has been granted under this Act.

Review of
order.

12. An order made under this Act may, if subsequent circumstances render it just so to do, be suspended, discharged, varied or altered upon application to the judge on such notice to such persons as the judge shall direct.

Powers to be
additional.

13. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge.

14. An application under this Act shall be made in the ^{Place of} county or district in which the land is situate. _{application.}

15. Subject to the approval of the Lieutenant-Governor in ^{Rules.} Council the Rules Committee may make rules,—

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
- (b) regulating the practice and procedure under this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

16. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent. _{ment of Act.}

17. This Act may be cited as *The Mortgage Moratorium* ^{Short title.} Act, 1946.

BILL

An Act to provide Relief for Persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment, or any other cause beyond their control, in respect of their homes.

1st Reading

March 19th, 1946

*2nd Reading**3rd Reading*

MR. TAYLOR (*Tennisraining*)

No. 103

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Land Surveyors Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Clause *a* of the amendment extends the provisions of the present section respecting a reduced term of apprenticeship to graduates of a course which is approved by the Board of Examiners under the Act.

Clause *b* of the amendment gives the Board of Examiners discretion to reduce the length of apprenticeship required in the case of service men.

BILL

An Act to amend The Land Surveyors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Land Surveyors Act* as re-enacted by Rev. Stat., c. 231, s. 23, section 21 of *The Statute Law Amendment Act, 1943*, is repealed (1943, c. 28, s. 21), and the following substituted therefor: re-enacted.

23. Notwithstanding anything contained in section 21,— Exemption from apprenticeship.

- (a) any person who is a graduate of the Royal Military College at Kingston or a graduate of the University of Toronto, McGill University at Montreal, Queen's University at Kingston, or the University of Western Ontario at London in civil or mining engineering, or of the Faculty of Arts in mathematics or in mathematics and physics, or a graduate in forestry of the University of Toronto or a graduate of such other educational institution as may be approved by the Board in a course which in the opinion of the Board is equivalent to one of the courses hereinbefore mentioned, shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 27, during twelve consecutive months of active practice; and
- (b) any person who has been on active service in the naval, military or air forces of His Majesty or any of His Majesty's allies,

shall only be bound to serve under such articles for such period of time as the Board may deem necessary after considering his training or experience in surveying or engineering prior to or during such service in the forces.

2. This Act may be cited as *The Land Surveyors Amendment Act, 1946*. Short title

BILL.

An Act to amend The Land Surveyors Act.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. THOMPSON

No. 103

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Land Surveyors Act.

MR. THOMPSON

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Land Surveyors Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Land Surveyors Act* as re-enacted by Rev. Stat., c. 231, s. 23, section 21 of *The Statute Law Amendment Act, 1943*, is repealed (1943, c. 28, s. 21), and the following substituted therefor: re-enacted.

23. Notwithstanding anything contained in section 21,— Exemption from apprenticeship.

(a) any person who is a graduate of the Royal Military College at Kingston or a graduate of the University of Toronto, McGill University at Montreal, Queen's University at Kingston, or the University of Western Ontario at London in civil or mining engineering, or of the Faculty of Arts in mathematics or in mathematics and physics, or a graduate in forestry of the University of Toronto or a graduate of such other educational institution as may be approved by the Board in a course which in the opinion of the Board is equivalent to one of the courses hereinbefore mentioned, shall only be bound to serve under articles with a practising surveyor, duly filed as required by section 27, during twelve consecutive months of active practice; and

(b) any person who has been on active service in the naval, military or air forces of His Majesty or any of His Majesty's allies,

shall only be bound to serve under such articles for such period of time as the Board may deem necessary after considering his training or experience in surveying or engineering prior to or during such service in the forces.

2. This Act may be cited as *The Land Surveyors Amendment Act, 1946*. **Short title**

BILL

An Act to amend The Land Surveyors Act.

1st Reading

March 19th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. THOMPSON

No. 104

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Legislative Assembly Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Legislative Assembly Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 70, 71, 72, 73 and 74, as amended by subsection 2 ^{Rev. Stat., c. 12, ss. 70, 71, 72, 73, 74, 75, 76,} of section 4 of *The Statute Law Amendment Act, 1939 (No. 2)*, ^{re-enacted.} 75 and 76 of *The Legislative Assembly Act* which provide for the payment of indemnity and allowances to members of the Assembly, are repealed and the following substituted therefor:

ALLOWANCES.

- 70.—(1) Every member of the Assembly shall be paid an ^{Allowances for expenses.} allowance of \$2,000 for expenses incidental to the discharge of his duties as a member for every calendar year in which a regular session of the Assembly is held.
- (2) Where a member is absent from the sittings of a ^{Absence from sittings.} regular session of the Assembly for a period exceeding a total of six days, unless such absence is rendered unavoidable by illness or by business as a member of the Assembly, the amount to which he is entitled under subsection 1 shall be reduced by the sum of \$15 for each day of such absence in excess of six.
- (3) Where any member of the Assembly ceases to be a ^{Ceasing to be member.} member by reason of illness or death, the amount payable under subsection 1 for the current calendar year shall be paid to him or to his personal representative notwithstanding the provisions of subsection 2.
71. The indemnity provided by section 70 shall, subject ^{When indemnity payable.} to section 74, be paid at the conclusion of the regular session of the Assembly.
72. Every member of the Assembly who attends a special ^{Special sessions.} session,

session of the Assembly shall be paid an allowance of \$20 for expenses incidental to the discharge of his duties as a member,—

- (a) for every day of his attendance at the session;
- (b) for every day during which his absence from the session is rendered unavoidable by illness or by business as a member of the Assembly; and
- (c) for every day, in excess of the days referred to in clauses *a* and *b*, during which he is necessarily absent from his home for the purpose of attending the session.

Mileage allowance.

73. In addition to the allowance for expenses incidental to the discharge of his duties as a member as provided in section 70 every member of the Assembly shall, for every regular or special session of the Assembly, be paid an allowance for travelling expenses incidental to the discharge of his duties as a member, of ten cents for every mile of the distance between his place of residence and Toronto, reckoning the distance going and coming according to the shortest mail route, which distance shall be determined and certified by the Speaker.

Payment of allowance.

- 74.—(1) The allowance due to a member under section 70 shall be payable to him upon his taking and signing the oath respecting allowance for expenses according to Form 3.

Payment for special session.

- (2) The allowance due to a member under section 72 shall be payable to him upon his taking and signing the oath respecting allowance for expenses for a special session according to Form 4.

Payment of travelling expenses.

- (3) The allowance due to a member under section 73 shall be payable to him upon his taking and signing the oath respecting allowance for travelling expenses according to Form 5.

Chairman of Committee of Whole House.

75. To the member elected as chairman of the Committee of the Whole House there shall be paid in every regular session of the Assembly, in addition to his allowance for expenses incidental to the discharge of his duties as a member, an amount of \$1,000.

Leader of the Opposition.

76. To the member recognized by the Speaker as occupying the position of Leader of the Opposition in the Assembly there shall be paid for every calendar year in which a regular session of the Assembly is held, in addition to his allowance for expenses incidental to the discharge of his duties as a member,—

(a) an allowance of \$1,000 for expenses incidental to the discharge of his duties as Leader of the Opposition; and

(b) an additional amount of \$2,000.

2. Form 3 in the Schedule of Forms to *The Legislative Assembly Act* is repealed and the following substituted therefor: Rev. Stat., c. 12, Form 3, re-enacted.

FORM 3.

OATH RESPECTING ALLOWANCE FOR EXPENSES.

I, _____, a member of the Legislative Assembly, make oath and say:

1. That I was present at the sittings of the Assembly on every day of the session which commenced on the _____ day of _____, 19____, except the following days:

2. That my absence from the said sittings was rendered unavoidable by illness on the following days:

3. That my absence from the said sittings was rendered unavoidable by business as a member of the Assembly on the following days:

Sworn before me at the _____
of _____ in _____
the _____ of _____
this _____ day of _____,
19____.

A Commissioner for taking Affidavits.

FORM 4.

OATH RESPECTING ALLOWANCE FOR EXPENSES FOR A SPECIAL SESSION.

I, _____, a member of the Legislative Assembly, make oath and say:

1. That I attended the sittings of the special session of the Assembly which began on the _____ day of _____, 19____, on the following days:

2. That my absence from the said sittings was rendered unavoidable by illness on the following days:

3. That my absence from the said sittings was rendered unavoidable by business as a member of the Assembly on the following days:

4. That in addition to the days set out in paragraphs 1, 2 and 3 I was necessarily absent from my home for the purpose of attending the special session on the following days:

Sworn before me at the _____
of _____ in _____
the _____ of _____
this _____ day of _____,
19____.

A Commissioner for taking Affidavits.

FORM 5.

OATH RESPECTING ALLOWANCE FOR TRAVELLING EXPENSES.

I, _____, a member of the Legislative Assembly,
make oath and say:

1. That I reside at the _____ of _____ in the
shortest mail route _____ which is distant by the
from Toronto. _____ miles, as determined by the Speaker,

2. That I attended the session of the Legislature which began
on the _____ day of _____, 19____.

Sworn before me at the _____
the _____ of _____ in _____
this _____ day of _____,
19____.

A Commissioner for taking Affidavits.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which
it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Legislative Assembly
Amendment Act, 1946*.

BILL

An Act to amend The Legislative
Assembly Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 105

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Labour Act.

MR. CARLIN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The Bill restores the membership of the Board to five, two representing the two major bodies of organized labour and two representing organized employers, with a chairman representing the general public.

BILL

An Act to amend The Department of Labour Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Department of Labour Act*, as amended by subsection 1 of section 2 of *The Department of Labour Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 69, s. 6, subs. 1, re-enacted.

- (1) There is hereby constituted a board to be named Establishment of Industry and Labour Board. "The Industry and Labour Board," herein called the board, which shall consist of five members appointed by the Lieutenant-Governor in Council,—
- (a) one of whom shall be appointed upon the nomination of the Trades and Labour Congress of Canada;
 - (b) one of whom shall be appointed upon the nomination of the Canadian Congress of Labour;
 - (c) two of whom shall be representative of organized employers within Ontario; and
 - (d) one of whom shall be representative of the general public and shall be designated as the chairman by the Lieutenant-Governor in Council.

2. This Act may be cited as *The Department of Labour Amendment Act, 1946*.

BILL

An Act to amend The Department of
Labour Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. CARLIN

No. 106

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Provision is made for a vice-chairman.

SECTION 2—Subsection 1. The provisions of *The Power Commission Declaratory Act, 1937*, are re-enacted into *The Power Commission Act*.

Subsection 2. Subsections 6, 7, 8 and 9 of section 6 which exempt the property of the Commission from process of law are repealed.

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Power Commission Act* is amended by inserting after the word “chairman” in the second line the words “and may appoint another member of the Commission to be vice-chairman”, so that subsection 1 of the said section shall now read as follows:

Rev. Stat.,
c. 62, s. 3,
amended.

- (1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint another member of the Commission to be vice-chairman of the Commission, and two members shall form a quorum.

Chairman,
vice-
chairman,
quorum.

(2) The said section 3 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 62, s. 3,
amended.

- (2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Powers of
vice-
chairman.

2.—(1) Subsection 4 of section 6 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 6,
subs. 4,
re-enacted.

- (4) Without the consent of the Attorney-General no action of any kind whatsoever shall be brought against the Commission, and without the consent of the Attorney-General no action of any kind whatsoever shall be brought against any member of the Commission for anything done or omitted by him in the exercise of his office.

No action
against
Commission
without
consent of
Attorney-
General.

(2) Subsections 6, 7, 8 and 9 of the said section 6 are repealed.

Rev. Stat.,
c. 62, s. 6,
subss. 6, 7,
8, 9, re-
pealed.

Rev. Stat.,
c. 62, s. 7,
subs. 1, cl. c.
subcl. iii,
re-enacted.

3.—(1) Subclause iii of clause c of subsection 1 of section 7 of *The Power Commission Act* is repealed and the following substituted therefor:

- (iii) the amount billed against each municipality at interim rates on account of the cost of power supplied in the fiscal year, and the balance credited or charged to each municipality in respect of the annual adjustment of the cost of power.

Rev. Stat.,
c. 62, s. 7,
subs. 1,
cl. f,
re-enacted.

(2) Clause f of subsection 1 of the said section 7 is repealed and the following substituted therefor:

Indebted-
ness to
Commission.

- (f) a statement summarizing the amount of the indebtedness due or owing by municipal or other corporations and persons as at the 31st day of October last preceding in respect of,

- (i) construction of works, sale of electrical equipment, apparatus or supplies and services rendered,
- (ii) power bills, and
- (iii) other indebtedness, if any,

and such statement shall also indicate the total amount of debts that are three months or more overdue.

Rev. Stat.,
c. 62, s. 9,
re-enacted.

4. Section 9 of *The Power Commission Act* is repealed and the following substituted therefor:

Application
of income
of Com-
mission.

9. The income of the Commission shall be applied by the Commission,—

- (a) to meet the necessary operating expenses;
- (b) to the preservation, improvement, supervision, renewal, repair, maintenance and insurance of its works;
- (c) to the payment of the remuneration and expenses of the commissioners and the officers and others employed by the Commission;
- (d) for the operations of the Commission under sections 43 and 56 and to meet obligations, charges and expenses arising from time to time in the course of such operations;

SECTION 3—Subsection 1. Clause (c) (iii) of subsection 1 of section 7 is re-enacted to take into account the annual adjustment of power bills.

Subsection 2. Clause (f) of subsection 1 of section 7 is re-enacted to enable a summary only of indebtedness due to the Commission to be shown in the annual report.

SECTION 4. Section 9 is re-enacted to give more specific direction as to the application of the Commission's income.

SECTION 5. Section 11 of *The Power Commission Act* is re-enacted to clarify the uses for which the Commission's contingency reserve may be set up and used.

SECTION 6. The investment of Commission funds under section 13 in securities guaranteed by the Dominion of Canada is authorized.

- (e) to meet interest expense and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts which are established under the authority of this Act;
- (f) to provide reserves authorized by sections 11, 12 and 14; and
- (g) to such other purposes as may be authorized or required by this Act.

5. Section 11 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 11,
re-enacted.

- 11.—(1) The Commission may establish and maintain reserve accounts for the following purposes,— Reserve
accounts
for,—
- (a) to provide for the renewal, reconstruction and repair of works constructed or operated by the Commission; renewals;
 - (b) to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission and to meet other contingencies arising in the operations of the Commission and to provide for such part of the cost of properties to be acquired or which have been acquired as is not allocated to specific works; and contingencies;
 - (c) to provide a reserve as insurance against loss or damage to any property of the Commission or loss or damage to the persons or property of others caused by or arising from the works or operations of the Commission, insurance.

and may place to the credit of such reserve accounts and expend, use, apply, utilize and appropriate therefrom for the purposes of this section such amounts as may in the opinion of the Commission be sufficient for the purposes of this section.

- (2) The Commission may place to the credit of such reserve accounts interest at such rates as the Commission shall deem equitable and just upon the balances remaining from time to time to the credit of such reserve accounts. Interest.

6. Section 13 of *The Power Commission Act* as amended by section 27 of *The Statute Law Amendment Act, 1942*, and section Rev. Stat.,
c. 62, s. 13,
re-enacted.

1 of *The Power Commission Amendment Act, 1943*, is repealed and the following substituted therefor:

Investment
of funds in
Government
securities.

13. The Commission may, in its discretion, invest any funds not required in carrying out the objects of the Commission in the debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed as to principal and interest by either of them.

Rev. Stat.,
c. 62, s. 15,
re-enacted.

7. Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Application
of funds
set apart as
sinking fund.

15. All funds set apart by the Commission as a sinking fund under the provisions of section 14 shall be used or employed,—

(a) towards repayment of advances made by the Province of Ontario to the Commission as provided in section 37*a* and towards the retirement of other indebtedness incurred or assumed by the Commission;

(b) to restore reserves or other funds of the Commission utilized for the payment of the cost of works; and

(c) to purchase and hold for sinking fund purposes securities in which the Commission is authorized to invest under section 13.

Rev. Stat.,
c. 62, s. 21,
subs. 2,
cls. *a*, *b*,
re-enacted.

8. Clauses *a* and *b* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire
lands,
waters,
powers and
works.

- (a) acquire by purchase, lease or otherwise, land, waters, water privileges, water powers, buildings and works used for, or adapted or useful for, or capable of being used or made useful for generating, transforming, transmitting, distributing or selling electric or other power or energy; enter upon, take possession of, appropriate, acquire and use any such land, waters, water privileges, water powers, buildings and works without the consent of the owner thereof, or of any person in any manner entitled to any right, title, interest, claim or demand thereto or therein; and have and hold them however acquired or obtained, and develop, utilize, use, maintain, operate and improve them for any of the purposes of this Act;

SECTION 7.▼ This clarifies section 15 in respect of the purposes for which sinking funds may be employed.

SECTION 8. Clause (a) of subsection 2 of section 21 which deals with the acquisition of properties is expanded to include buildings.

Clause (b) of the same subsection, which confers power to purchase only one named company is expanded to include other companies.

SECTION 9. This is a new section setting up a new schedule of repayment of government advances.

SECTION 10. Subsection 2 of section 47 clarifies the provisions regarding the only costs and charges in connection with the Northern Ontario Properties which are held in trust by the Commission for the Crown.

- (b) acquire by purchase the whole or any part of the property, assets and undertaking of Dominion Power and Transmission Company Limited or of any other corporation engaged in the production or sale of electric or other power or energy, including shares held or owned by the Company or other corporation in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to hold, develop, utilize, use, maintain, operate and improve any property or properties so acquired.

To acquire assets and undertaking of companies.

9. *The Power Commission Act* is amended by adding there-
to the following section:

Rev. Stat.,
c. 62,
amended.

37a.—(1) The advances received by the Commission under the authority of sections 35, 36 and 37 shall be repayable according to Schedule A to this Act.

Repayment
of advances.

(2) Notwithstanding anything in this Act the Commission may in addition to the repayments provided for under subsection 1 make further repayments on account of the advances by the Province to the Commission from time to time out of funds in its hands.

Further
repayment.

10. Subsection 2 of section 47 of *The Power Commission Act* is amended by inserting after the figures "61" in the tenth line the words "and an amount to be determined by the Commission to be provided for the purposes of section 11", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 62, s. 47,
subs. 2,
amended.

- (2) His Majesty the King may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund of the Province the amounts from time to time by which the revenues which have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 61 and an amount to be determined by the Commission to be provided for the purposes of section 11, and such agreement or agreements when executed by the President of the Executive Council representing His Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Agreements
between
Crown and
the Com-
mission as to
undertakings
in terri-
torial
districts.

Rev. Stat.,
c. 62, s. 61,
cls. a, b, c, d,
re-enacted.

11. Clauses *a, b, c* and *d* of section 61 of *The Power Commission Act* are repealed and the following substituted therefor:

- (a) the cost of operating, maintaining, renewing and insuring the works and the cost of administration of the Commission;
- (b) interest and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts established under the authority of this Act;
- (c) an annual sum sufficient to form in forty years, with interest at four per centum per annum, a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the cost of the works, for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost of the works; and
- (d) an amount to be determined by the Commission for the purposes of sections 11 and 12.

Rev. Stat.,
c. 62, s. 71a
(1939,
c. 35, s. 3),
amended.

12. Section 71a of *The Power Commission Act* as enacted by section 3 of *The Power Commission Amendment Act, 1939*, is amended by adding at the end thereof the words "and may upon such terms as it deems proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part", so that the said section shall now read as follows:

Powers
given to
Commission.

71a. For the purposes of this Part, the Commission may exercise any of the powers which the Commission may exercise or be authorized to exercise under Part I and may upon such terms as it deems proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part.

Rev. Stat.,
c. 62, s. 90,
re-enacted.

13. Section 90 of *The Power Commission Act* is repealed and the following substituted therefor:

System of
bookkeeping.

90.—(1) The Commission may prescribe for any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution a system of bookkeeping and keeping accounts of the assets, liabilities, revenues and expenditures in respect of the production, development, distribution or sale of electrical power or

SECTION 11. Section 61 of *The Power Commission Act* which relates to the cost of power throughout municipalities is brought into conformity with the present manner of utilizing Commission funds for construction purposes.

SECTION 12. Section 71a of *The Power Commission Act* is clarified by adding thereto the words indicated.

SECTION 13. Section 90 as re-enacted corrects an inadvertency which gave the Ontario Commission power to prescribe a system of bookkeeping for all expenditures of municipal corporations instead of for the electric utilities of Hydro municipalities.

SECTIONS 14 and 15. Section 96 of *The Power Commission Act* does not recognize the distinction between surplus moneys and certain moneys on hand in excess of current requirements and the re-enactment of section 96 with the enactment of a new section 95a takes this into account.

energy or the dealing in electrical fittings, fixtures, appliances, machines or equipment.

- (2) The Commission may require from any municipal corporation or municipal commission which owns, operates, controls or manages an electrical public utility receiving electrical power or energy from the Commission for distribution such returns and statements as the Commission may deem proper, and the Commission shall have access to and the right to inspect the books, records, minutes, statements and returns relating to such electrical public utility and to extract therefrom such information as in the opinion of the Commission may be useful for publication and to embody any of the information in the reports of the Commission.

14. *The Power Commission Act* is amended by adding thereto the following section: Rev. Stat.,
c. 62,
amended.

- 95a. A municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may, subject to the approval of the Commission, utilize funds in its hands derived from or pertaining to the electric utility for which such power or energy is received and not required for current operating expenses or current working capital thereof in the following manner and not otherwise,— Utilization
of funds.

- (a) in the reduction of any indebtedness incurred with respect to the construction and equipment of works for the production, development, distribution or sale of electrical power or energy; or Reduction of
indebted-
ness.
- (b) in purchasing or otherwise acquiring a site and erecting thereon buildings for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building, and, subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purpose of any public utility in the municipality; or Erection of
buildings.
- (c) in the renewal of such buildings; or Renewal of
buildings.

Extension of
works.

- (d) in the extension of works for the production, development, distribution or sale of electrical power or energy; or

Purchase of
marketable
securities.

- (e) in the purchase of such marketable securities and on such terms as the Commission may approve.

Rev. Stat.,
c. 62, s. 96,
subs. 1
(1944,
c. 46, s. 6,
subs. 1);
subs. 3, re-
enacted.

15. Subsection 1 of section 96 of *The Power Commission Act* as re-enacted by subsection 1 of section 6 of *The Power Commission Amendment Act, 1944*, and subsection 3 of the said section 96 are repealed and the following substituted therefor:

When
accounts of a
corporation
show a
surplus.

- (1) Whenever it appears from the accounts of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution that there is a surplus of revenue derived from or pertaining to an electric utility over the expenses thereof after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development, distribution or sale of electrical power or energy, and for such depreciation and other reserves as the Commission may deem proper, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special order direct,—

In repay-
ment to
customers.

- (a) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission moneys paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or

To general
purposes of
municipal
corporation.

- (b) to the extent to which such surplus is derived from the supply of electrical power or energy for the lighting of the streets of the municipality or for the operation of any street railway or electrical railway or any public utility of the corporation other than an electric utility by payment over of such surplus or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

SECTION 16. Section 104 as re-enacted prescribes a specific term for the representative of the Commission on municipal commissions in cities of 60,000 or over.

- (3) Any member of the council of a municipal corporation and any member of a municipal commission where such municipal corporation or municipal commission is receiving electrical power or energy from the Commission for distribution by an electric utility, who is in any manner a party to any disposition or application of a surplus referred to in subsection 1 other than that directed by the Commission, or to any disposition, use, application or dealing with funds pertaining to such electric utility in any manner prohibited by this Act or any other Act shall forfeit his office and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of such municipality.
- Liability for misapplication of funds.
Rev. Stat., c. 266.

16.—(1) Subsection 2 of section 104 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat., c. 62, s. 104, subs. 2, re-enacted.

- (2) Notwithstanding anything contained in *An Act respecting the City of Toronto*, passed in the first year of the reign of His Late Majesty King George the Fifth, chaptered 119, in a city having a population of sixty thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy shall consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and shall be eligible for re-appointment from time to time.
- Municipal commission,—how composed in city of 60,000 or over.

(2) Subsection 1 shall have effect from the 1st day of June, 1944 and all members of any such commission appointed by the Commission shall be deemed to have been appointed on the said 1st day of June, 1944, so far as their term of office is concerned.

Subs. 1 retroactive.

17. Section 105 of *The Power Commission Act* as amended by subsection 3 of section 19 of *The Statute Law Amendment Act, 1938*, is repealed.

Rev. Stat., c. 62, s. 105, repealed.

Rev. Stat.,
c. 62,
Schedule A,
re-enacted.

18. Schedule A to *The Power Commission Act* is repealed and the following substituted therefor:

SCHEDULE A

During year ending 31st October, 1946	\$ 2,879,705.62
1947	3,207,339.80
1948	14,895,628.15
1949	2,735,982.87
1950	2,779,563.88
1951	1,726,950.87
1952	10,483,973.05
1953	1,806,559.11
1954	1,849,376.08
1955	1,893,327.08
1956	1,939,621.95
1957	1,796,447.07
1958	1,610,130.67
1959	14,745,686.58
1960	1,341,659.01
1961	15,492,724.75
1962	1,457,165.95
1963	1,519,463.70
1964	1,583,069.40
1965	1,649,394.10
1966	1,718,816.64
1967	1,403,485.50
1968	1,462,764.52
1969	1,060,733.64
1970	1,106,410.72
1971	701,051.95

\$94,847,032.76

Outstanding Unmatured
Provincial Advances as
at 31st October, 1945.

Short title. **19.** This Act may be cited as *The Power Commission Amendment Act, 1946*.

SECTION 18. This section substitutes a new Schedule "A" for the present Schedule "A". See section 9 of the Bill.

BILL

An Act to amend The Power
Commission Act:

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. CHALLIES

No. 106

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Power Commission Act.

MR. CHALLIES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 3 of *The Power Commission Act* is amended by inserting after the word “chairman” in the second line the words “and may appoint another member of the Commission to be vice-chairman”, so that subsection 1 of the said section shall now read as follows:

Rev. Stat.,
c. 62, s. 3,
amended.

(1) The Lieutenant-Governor in Council may appoint one of the members of the Commission to be chairman and may appoint another member of the Commission to be vice-chairman of the Commission, and two members shall form a quorum.

Chairman,
vice-
chairman,
quorum.

(2) The said section 3 is further amended by adding thereto the following subsection:

Rev. Stat.,
c. 62, s. 3,
amended.

(2) In case of the absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman.

Powers of
vice-
chairman.

2.—(1) Subsection 4 of section 6 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 6,
subss. 4,
re-enacted.

(4) Without the consent of the Attorney-General no action of any kind whatsoever shall be brought against the Commission, and without the consent of the Attorney-General no action of any kind whatsoever shall be brought against any member of the Commission for anything done or omitted by him in the exercise of his office.

No action
against
Commission
without
consent of
Attorney-
General.

(2) Subsections 6, 7, 8 and 9 of the said section 6 are repealed.

Rev. Stat.,
c. 62, s. 6,
subss. 6, 7,
8, 9, re-
pealed.

Rev. Stat., c. 62, s. 7, subs. 1, cl. c, of *The Power Commission Act* is repealed and the following subcl. iii, re-enacted. **3.—**(1) Subclause iii of clause c of subsection 1 of section 7

- (iii) the amount billed against each municipality at interim rates on account of the cost of power supplied in the fiscal year, and the balance credited or charged to each municipality in respect of the annual adjustment of the cost of power.

Rev. Stat., c. 62, s. 7, subs. 1, cl. f, re-enacted. (2) Clause f of subsection 1 of the said section 7 is repealed and the following substituted therefor:

- (f) a statement summarizing the amount of the indebtedness due or owing by municipal or other corporations and persons as at the 31st day of October last preceding in respect of,

(i) construction of works, sale of electrical equipment, apparatus or supplies and services rendered,

(ii) power bills, and

(iii) other indebtedness, if any,

and such statement shall also indicate the total amount of debts that are three months or more overdue.

Rev. Stat., c. 62, s. 9, re-enacted. **4.** Section 9 of *The Power Commission Act* is repealed and the following substituted therefor:

Application of income of Commission.

9. The income of the Commission shall be applied by the Commission,—

(a) to meet the necessary operating expenses;

(b) to the preservation, improvement, supervision, renewal, repair, maintenance and insurance of its works;

(c) to the payment of the remuneration and expenses of the commissioners and the officers and others employed by the Commission;

(d) for the operations of the Commission under sections 43 and 56 and to meet obligations, charges and expenses arising from time to time in the course of such operations;

- (e) to meet interest expense and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts which are established under the authority of this Act;
- (f) to provide reserves authorized by sections 11, 12 and 14; and
- (g) to such other purposes as may be authorized or required by this Act.

5. Section 11 of *The Power Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 62, s. 11,
re-enacted.

11.—(1) The Commission may establish and maintain reserve accounts for the following purposes,— Reserve
accounts
for,—

- (a) to provide for the renewal, reconstruction and repair of works constructed or operated by the Commission; renewals;
- (b) to meet any expenditures or costs caused by or arising from injury to, or destruction, obsolescence or loss of use of any works or other property of the Commission and to meet other contingencies arising in the operations of the Commission and to provide for such part of the cost of properties to be acquired or which have been acquired as is not allocated to specific works; and contingencies;
- (c) to provide a reserve as insurance against loss or damage to any property of the Commission or loss or damage to the persons or property of others caused by or arising from the works or operations of the Commission, insurance.

and may place to the credit of such reserve accounts and expend, use, apply, utilize and appropriate therefrom for the purposes of this section such amounts as may in the opinion of the Commission be sufficient for the purposes of this section.

- (2) The Commission may place to the credit of such reserve accounts interest at such rates as the Commission shall deem equitable and just upon the balances remaining from time to time to the credit of such reserve accounts. Interest.

6. Section 13 of *The Power Commission Act* as amended by section 27 of *The Statute Law Amendment Act, 1942*, and section Rev. Stat.,
c. 62, s. 13,
re-enacted.

1 of *The Power Commission Amendment Act, 1943*, is repealed and the following substituted therefor:

Investment
of funds in
Government
securities.

13. The Commission may, in its discretion, invest any funds not required in carrying out the objects of the Commission in the debentures or other securities of the Dominion of Canada or of the Province of Ontario, or in securities guaranteed as to principal and interest by either of them.

Rev. Stat.,
c. 62, s. 15,
re-enacted.

7. Section 15 of *The Power Commission Act* is repealed and the following substituted therefor:

Application
of funds
set apart as
sinking fund.

15. All funds set apart by the Commission as a sinking fund under the provisions of section 14 shall be used or employed,—

- (a) towards repayment of advances made by the Province of Ontario to the Commission as provided in section 37a and towards the retirement of other indebtedness incurred or assumed by the Commission;
- (b) to restore reserves or other funds of the Commission utilized for the payment of the cost of works; and
- (c) to purchase and hold for sinking fund purposes securities in which the Commission is authorized to invest under section 13.

Rev. Stat.,
c. 62, s. 21,
subs. 2,
cls. a, b,
re-enacted.

8. Clauses *a* and *b* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire
lands,
waters,
powers and
works.

- (a) acquire by purchase, lease or otherwise, land, waters, water privileges, water powers, buildings and works used for, or adapted or useful for, or capable of being used or made useful for generating, transforming, transmitting, distributing or selling electric or other power or energy; enter upon, take possession of, appropriate, acquire and use any such land, waters, water privileges, water powers, buildings and works without the consent of the owner thereof, or of any person in any manner entitled to any right, title, interest, claim or demand thereto or therein; and have and hold them however acquired or obtained, and develop, utilize, use, maintain, operate and improve them for any of the purposes of this Act;

- (b) acquire by purchase the whole or any part of the property, assets and undertaking of Dominion Power and Transmission Company Limited or of any other corporation engaged in the production or sale of electric or other power or energy, including shares held or owned by the Company or other corporation in any other company or companies of any kind or nature whatsoever, and to acquire the whole or any part of the properties, assets and undertakings of such other company or companies and to hold, develop, utilize, use, maintain, operate and improve any property or properties so acquired.

To acquire assets and undertaking of companies.

9. *The Power Commission Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 62,
amended.

- 37a.—(1) The advances received by the Commission under the authority of sections 35, 36 and 37 shall be repayable according to Schedule A to this Act.

Repayment of advances.

- (2) Notwithstanding anything in this Act the Commission may in addition to the repayments provided for under subsection 1 make further repayments on account of the advances by the Province to the Commission from time to time out of funds in its hands.

Further repayment.

10. Subsection 2 of section 47 of *The Power Commission Act* is amended by inserting after the figures "61" in the tenth line the words "and an amount to be determined by the Commission to be provided for the purposes of section 11", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 62, s. 47,
subs. 2,
amended.

- (2) His Majesty the King may enter into an agreement or agreements with the Commission, relating to any or all of the works mentioned in subsection 1, providing for payment to the Commission out of the Consolidated Revenue Fund of the Province the amounts from time to time by which the revenues which have been or may hereafter be derived from such works are or may be insufficient to meet in full the annual costs and charges in connection therewith as determined by the Commission, including the items set forth in clauses *a*, *b* and *c* of section 61 and an amount to be determined by the Commission to be provided for the purposes of section 11, and such agreement or agreements when executed by the President of the Executive Council representing His Majesty and the Commission shall be valid and binding on the Province and the Commission respectively.

Agreements between Crown and the Commission as to undertakings in territorial districts.

Rev. Stat.,
c. 62, s. 61,
cls. a, b, c, d,
re-enacted.

11. Clauses *a, b, c* and *d* of section 61 of *The Power Commission Act* are repealed and the following substituted therefor:

- (a) the cost of operating, maintaining, renewing and insuring the works and the cost of administration of the Commission;
- (b) interest and expenses of debt service and interest credited on the balances remaining from time to time to the credit of reserve accounts established under the authority of this Act;
- (c) an annual sum sufficient to form in forty years, with interest at four per centum per annum, a sinking fund for the repayment of the advances made by the Province of Ontario under this Act for the cost of the works, for the repayment of any other indebtedness incurred or assumed by the Commission in respect of the cost of the works, and for the restoration of any reserve or other funds of the Commission utilized for the payment of the cost of the works; and
- (d) an amount to be determined by the Commission for the purposes of sections 11 and 12.

Rev. Stat.,
c. 62, s. 71a
(1939,
c. 35, s. 3),
amended.

12. Section 71a of *The Power Commission Act* as enacted by section 3 of *The Power Commission Amendment Act, 1939*, is amended by adding at the end thereof the words "and may upon such terms as it deems proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part", so that the said section shall now read as follows:

Powers
given to
Commission.

71a. For the purposes of this Part, the Commission may exercise any of the powers which the Commission may exercise or be authorized to exercise under Part I and may upon such terms as it deems proper, sell, lease or otherwise dispose of any lands and works acquired or held for the purposes of this Part.

Rev. Stat.,
c. 62, s. 90,
re-enacted.

13. Section 90 of *The Power Commission Act* is repealed and the following substituted therefor:

System of
bookkeeping.

90.—(1) The Commission may prescribe for any municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution a system of bookkeeping and keeping accounts of the assets, liabilities, revenues and expenditures in respect of the production, development, distribution or sale of electrical power or

energy or the dealing in electrical fittings, fixtures, appliances, machines or equipment.

- (2) The Commission may require from any municipal corporation or municipal commission which owns, operates, controls or manages an electrical public utility receiving electrical power or energy from the Commission for distribution such returns and statements as the Commission may deem proper, and the Commission shall have access to and the right to inspect the books, records, minutes, statements and returns relating to such electrical public utility and to extract therefrom such information as in the opinion of the Commission may be useful for publication and to embody any of the information in the reports of the Commission.

14. *The Power Commission Act* is amended by adding thereto the following section:

Returns and statements.

Rev. Stat.,
c. 62,
amended.

- 95a. A municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution may, subject to the approval of the Commission, utilize funds in its hands derived from or pertaining to the electric utility for which such power or energy is received and not required for current operating expenses or current working capital thereof in the following manner and not otherwise,—

Utilization
of funds.

- (a) in the reduction of any indebtedness incurred with respect to the construction and equipment of works for the production, development, distribution or sale of electrical power or energy; or
- (b) in purchasing or otherwise acquiring a site and erecting thereon buildings for the occupation and use of the municipal commission as offices and for other business purposes, subject to the approval by the Commission of the site and cost of the plans of any such building, and, subject to such approval, any such office building may be larger than is required for the immediate use of the municipal commission, and any part of such building not immediately required for the use of the municipal commission may be leased by it to the corporation or to any other municipal commission for the purpose of any public utility in the municipality; or
- (c) in the renewal of such buildings; or

Reduction of
indebted-
ness.

Erection of
buildings.

Renewal of
buildings.

Extension of
works.

- (d) in the extension of works for the production, development, distribution or sale of electrical power or energy; or

Purchase of
marketable
securities.

- (e) in the purchase of such marketable securities and on such terms as the Commission may approve.

Rev. Stat.,
c. 62, s. 96,
subs. 1
(1944,
c. 46, s. 6,
subs. 1);
subs. 3, re-
enacted.

15. Subsection 1 of section 96 of *The Power Commission Act* as re-enacted by subsection 1 of section 6 of *The Power Commission Amendment Act, 1944*, and subsection 3 of the said section 96 are repealed and the following substituted therefor:

When
accounts of a
corporation
show a
surplus.

- (1) Whenever it appears from the accounts of a municipal corporation or municipal commission receiving electrical power or energy from the Commission for distribution that there is a surplus of revenue derived from or pertaining to an electric utility over the expenses thereof after providing for any payments required to be made on account of principal or interest of any debentures issued for the construction and equipment of works for the production, development, distribution or sale of electrical power or energy, and for such depreciation and other reserves as the Commission may deem proper, such surplus shall be applied and disposed of in such manner as the Commission may by general regulation or special order direct,—

In repay-
ment to
customers.

- (a) in repaying to persons to whom electrical power or energy is being supplied by such municipal corporation or municipal commission moneys paid by them for electrical power or energy so supplied, such repayment being made either directly or by a credit on or reduction in bills for electrical power or energy; or

To general
purposes of
municipal
corporation.

- (b) to the extent to which such surplus is derived from the supply of electrical power or energy for the lighting of the streets of the municipality or for the operation of any street railway or electric railway or any public utility of the corporation other than an electric utility by payment over of such surplus or of such portion thereof as the Commission may deem proper, to the treasurer of the municipality to be applied to the general purposes of the corporation.

- (3) Any member of the council of a municipal corporation and any member of a municipal commission where such municipal corporation or municipal commission is receiving electrical power or energy from the Commission for distribution by an electric utility, who is in any manner a party to any disposition or application of a surplus referred to in subsection 1 other than that directed by the Commission, or to any disposition, use, application or dealing with funds pertaining to such electric utility in any manner prohibited by this Act or any other Act shall forfeit his office and proceedings may thereupon be taken against him as provided in *The Municipal Act* in the case of a member of a municipal council who has become disqualified, and the Commission may take the same proceedings in respect thereof as might be taken by a ratepayer of such municipality.
- Liability for misapplication of funds.
Rev. Stat., c. 266.

16.—(1) Subsection 2 of section 104 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat., c. 62, s. 104, subs. 2, re-enacted.

- (2) Notwithstanding anything contained in *An Act respecting the City of Toronto*, passed in the first year of the reign of His Late Majesty King George the Fifth, chaptered 119, in a city having a population of sixty thousand or over according to the last enumeration of the assessor, the corporation of which has entered into a contract with the Commission under this Act, the commission to be established for the control and management of the construction, operation and maintenance of all works undertaken by the corporation for the distribution and supply of electrical power or energy shall consist of three members, one of whom shall be the mayor of the city, one of whom shall be appointed by the municipal council of the city for two years and until his successor is appointed, and the third of whom shall be appointed by the Commission for two years and shall be eligible for re-appointment from time to time.
- Municipal commission,—how composed in city of 60,000 or over.

(2) Subsection 1 shall have effect from the 1st day of June, 1944 and all members of any such commission appointed by the Commission shall be deemed to have been appointed on the said 1st day of June, 1944, so far as their term of office is concerned.

Subs. 1 retroactive.

17. Section 105 of *The Power Commission Act* as amended by subsection 3 of section 19 of *The Statute Law Amendment Act, 1938*, is repealed.

Rev. Stat., c. 62, s. 105, repealed.

Rev. Stat.,
c. 62,
Schedule A,
re-enacted.

18. Schedule A to *The Power Commission Act* is repealed and the following substituted therefor:

SCHEDULE A

During year ending 31st October, 1946	\$ 2,879,705.62
1947	3,207,339.80
1948	14,895,628.15
1949	2,735,982.87
1950	2,779,563.88
1951	1,726,950.87
1952	10,483,973.05
1953	1,806,559.11
1954	1,849,376.08
1955	1,893,327.08
1956	1,939,621.95
1957	1,796,447.07
1958	1,610,130.67
1959	14,745,686.58
1960	1,341,659.01
1961	15,492,724.75
1962	1,457,165.95
1963	1,519,463.70
1964	1,583,069.40
1965	1,649,394.10
1966	1,718,816.64
1967	1,403,485.50
1968	1,462,764.52
1969	1,060,733.64
1970	1,106,410.72
1971	701,051.95
	<hr/>
	\$94,847,032.76
Outstanding Unmatured Provincial Advances as at 31st October, 1945.	

Short title.

19. This Act may be cited as *The Power Commission Amendment Act, 1946*.

BILL

An Act to amend The Power
Commission Act.

1st Reading

March 20th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. CHALLIES

No. 107

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Optometry Act.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1 authorizes the Board of Examiners in Optometry, with the approval of the Lieutenant-Governor in Council, to pass regulations for the purposes mentioned.

SECTION 2 is designed to include in *The Optometry Act* provisions respecting registration of optometrists now contained in the regulations under the Act.

BILL

An Act to amend The Optometry Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Optometry Act*, as amended by section 2 of *The Optometry Amendment Act, 1944*, is further amended by adding thereto the following clause: Rev. Stat., c. 246, s. 3 subs. 1, amended.

(ee) fixing the remuneration of the members of the Board and providing for the payment of necessary expenses of the Board in the conduct of its business.

2. Clause *a* of section 6 of *The Optometry Act* is amended by striking out the words and figures "1st day of November, 1919," in the first line and inserting in lieu thereof the words and figures "8th day of April, 1936", so that the said clause shall now read as follows: Rev. Stat., c. 246, s. 6, cl. a, amended.

(a) on the 8th day of April, 1936, was carrying on business as an optometrist or optician in Ontario.

3. This Act may be cited as *The Optometry Amendment Act*, Short title. 1946.

An Act to amend The Optometry Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. KELLEY

No. 107

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

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(a) on the 8th day of April, 1936, was carrying on business as an optometrist or optician in Ontario.

3. This Act may be cited as *The Optometry Amendment Act*, Short title. 1946.

BILL

An Act to amend The Optometry Act.

1st Reading

March 20th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. KELLEY

No. 108

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Victoria Hospital, London.

MR. KELLEY

EXPLANATORY NOTE

The purpose of the Bill is to ratify continuance of an agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London. The Bill is the same and the agreement is substantially the same as a corresponding Act and agreement of 1935.

No. 108

1946

BILL

An Act respecting Victoria Hospital, London.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London, set out as the schedule hereto, is hereby declared to be valid and binding on the parties to it and they are hereby respectively authorized and required to carry out and observe the provisions and agreements on their part which it contains.

2. This Act may be cited as *The Victoria Hospital London Act, 1946*.

SCHEDULE

AGREEMENT BETWEEN THE BOARD OF HOSPITAL TRUSTEES
AND THE UNIVERSITY OF WESTERN ONTARIO, LONDON

AGREEMENT made the 1st day of January, in the year one thousand nine hundred and forty-six.

BETWEEN:

THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
WESTERN ONTARIO, hereinafter called the University,

—and—

THE BOARD OF HOSPITAL TRUSTEES OF THE CITY OF
LONDON, hereinafter called the Trustees.

This Agreement witnesseth that it is agreed by and between the parties hereto in manner following:

1. In this Agreement "Hospital" shall mean the Victoria Hospital, London.

2. The provisions of this Agreement shall be effective for a term of ten years from January 1st, 1946, and the terms of this Agreement may be annulled or changed by a two-third majority vote of all the members of the Joint Relations Committee, subject to the approval of the Board of Hospital Trustees and the Board of Governors.

3. There shall be a Medical Advisory Board which shall consist of the Heads of the various medical services of the Hospital (if the Head cannot attend he is to send a representative from his Department), the Dean of the Faculty of Medicine and of not more than four additional members elected by the Medical Staff of the Hospital, as the Trustees may designate.

4. There shall be a Joint Relations Committee of the Hospital and the University which shall be composed as follows:

The Chairman of Victoria Hospital Board of Trustees and
Two members appointed by the Board of Hospital Trustees;

Two of these three members to be elected members.

The Provincial Government representative on the Board of Hospital Trustees.

The Superintendent of Victoria Hospital.

The Chairman of the Board of Governors of the University.

The Chairman of the Medical Faculty Committee of the Board of Governors of the University.

One other member appointed by the Board of Governors.

The President of the University.

The Dean of the Faculty of Medicine of the University.

5. The Joint Relations Committee shall consider matters of mutual interest to the Hospital and the University that may arise from time to time.

6. The Trustees shall make appointments to the Active Staff of the Hospital annually on the recommendation of the Board of Governors of the University and subject to the approval of the Joint Relations Committee or a majority thereof. In making appointments to the Active Staff of the Hospital regard shall be had to the previous training and record of the appointee, his capacity to render service to the sick in the Hospital, his scientific attainments, his teaching capacity and his likelihood of professional development. No member of the Hospital Medical Staff may be dismissed without the consent of the Trustees.

7. The Trustees shall make appointments of Internes of the Hospital on the recommendation of the Medical Advisory Board.

8. In making appointments to the Staff sex shall be no bar.

9. No remuneration shall be given by public ward patients to individual members of the Clinical Active Staff.

10. Subject to the regulation of the Trustees, members of the Medical Profession of the City of London and vicinity who are not on the Active Staff of the Hospital shall have the privilege of attending patients in private and semi-private rooms as members of the Courtesy Staff.

11. All public ward patients shall be under the care and control of the Heads of the Clinical services and at the discretion of such heads shall be available for the clinical instruction of the students of the Faculty of Medicine of the University.

12. According to professional courtesy generally prevailing, doctors not on the Active Staff of the Hospital may, in consultation with the Head of the Service concerned, visit patients referred by them to the public wards in the Hospital.

13. The following shall be the services in the several departments of the Hospital:

- (a) In Medicine, one service, to be increased to two or three co-ordinate services as necessity arises;
- (b) In Surgery, one service, to be increased to more as necessity arises;
- (c) In Obstetrics and Gynaecology, one service, to be increased to more as necessity arises;
- (d) In Ophthalmology, Otology, Rhinology and Laryngology, one service, to be increased to more as necessity arises;
- (e) In Pathology and Bacteriology, two services, to be increased to more as necessity arises;
- (f) In Clinical Pathology, one service;
- (g) In Anaesthetics, one service;
- (h) In Paediatrics, one service;
- (i) In Radiology, one service, increasing to two or more as necessity arises;
- (j) In Physiotherapy, one service;
- (k) Other services deemed necessary from time to time. The Joint Relations Committee to have power to establish such services.

14. Each of the services in the several departments shall be under a head with such associates and assistants appointed subject to regulations in clause No. 6.

15. The several services in all clinical departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for all such patients.

In Witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

In the Presence of:

Ruth Hevey.

W. Thomas,

Jessie Malloch.

THE UNIVERSITY OF WESTERN
ONTARIO BOARD OF GOVERNORS

A. T. LITTLE,
Chairman
(Seal)

R. B. WILLIS,
Secretary.

THE BOARD OF HOSPITAL TRUSTEES
OF THE CITY OF LONDON

Wm. LOVEDAY,
Chairman.
(Seal)

L. J. CROZIER,
Secretary.

An Act Respecting Victoria Hospital,
London.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. KELLEY

No. 108

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Victoria Hospital, London.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 108

1946

BILL

An Act respecting Victoria Hospital, London.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement between the Board of Governors of the University of Western Ontario and the Board of Hospital Trustees of the City of London, set out as the schedule hereto, is hereby declared to be valid and binding on the parties to it and they are hereby respectively authorized and required to carry out and observe the provisions and agreements on their part which it contains.

Agreement
with
University
confirmed.

2. This Act may be cited as *The Victoria Hospital London Act, 1946*.

Short title.

SCHEDULE

AGREEMENT BETWEEN THE BOARD OF HOSPITAL TRUSTEES
AND THE UNIVERSITY OF WESTERN ONTARIO, LONDON

AGREEMENT made the 1st day of January, in the year one thousand nine hundred and forty-six.

BETWEEN:

THE BOARD OF GOVERNORS OF THE UNIVERSITY OF
WESTERN ONTARIO, hereinafter called the University,

—and—

THE BOARD OF HOSPITAL TRUSTEES OF THE CITY OF
LONDON, hereinafter called the Trustees.

This Agreement witnesseth that it is agreed by and between the parties hereto in manner following:

1. In this Agreement "Hospital" shall mean the Victoria Hospital, London.

2. The provisions of this Agreement shall be effective for a term of ten years from January 1st, 1946, and the terms of this Agreement may be annulled or changed by a two-third majority vote of all the members of the Joint Relations Committee, subject to the approval of the Board of Hospital Trustees and the Board of Governors.

3. There shall be a Medical Advisory Board which shall consist of the Heads of the various medical services of the Hospital (if the Head cannot attend he is to send a representative from his Department), the Dean of the Faculty of Medicine and of not more than four additional members elected by the Medical Staff of the Hospital, as the Trustees may designate.

4. There shall be a Joint Relations Committee of the Hospital and the University which shall be composed as follows:

The Chairman of Victoria Hospital Board of Trustees and
Two members appointed by the Board of Hospital Trustees;

Two of these three members to be elected members.

The Provincial Government representative on the Board of Hospital Trustees.

The Superintendent of Victoria Hospital.

The Chairman of the Board of Governors of the University.

The Chairman of the Medical Faculty Committee of the Board of Governors of the University.

One other member appointed by the Board of Governors.

The President of the University.

The Dean of the Faculty of Medicine of the University.

5. The Joint Relations Committee shall consider matters of mutual interest to the Hospital and the University that may arise from time to time.

6. The Trustees shall make appointments to the Active Staff of the Hospital annually on the recommendation of the Board of Governors of the University and subject to the approval of the Joint Relations Committee or a majority thereof. In making appointments to the Active Staff of the Hospital regard shall be had to the previous training and record of the appointee, his capacity to render service to the sick in the Hospital, his scientific attainments, his teaching capacity and his likelihood of professional development. No member of the Hospital Medical Staff may be dismissed without the consent of the Trustees.

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- (a) In Medicine, one service, to be increased to two or three co-ordinate services as necessity arises;
- (b) In Surgery, one service, to be increased to more as necessity arises;
- (c) In Obstetrics and Gynaecology, one service, to be increased to more as necessity arises;
- (d) In Ophthalmology, Otology, Rhinology and Laryngology, one service, to be increased to more as necessity arises;
- (e) In Pathology and Bacteriology, two services, to be increased to more as necessity arises;
- (f) In Clinical Pathology, one service;
- (g) In Anaesthetics, one service;
- (h) In Paediatrics, one service;
- (i) In Radiology, one service, increasing to two or more as necessity arises;
- (j) In Physiotherapy, one service;
- (k) Other services deemed necessary from time to time. The Joint Relations Committee to have power to establish such services.

14. Each of the services in the several departments shall be under a head with such associates and assistants appointed subject to regulations in clause No. 6.

15. The several services in all clinical departments shall be so organized as to include both indoor and outdoor patients and the heads of such services shall be responsible for all such patients.

In Witness whereof the parties hereto have caused to be hereunto affixed their respective Corporate Seals.

In the Presence of:

Ruth Hevey.

W. Thomas,

Jessie Malloch.

THE UNIVERSITY OF WESTERN
ONTARIO BOARD OF GOVERNORS

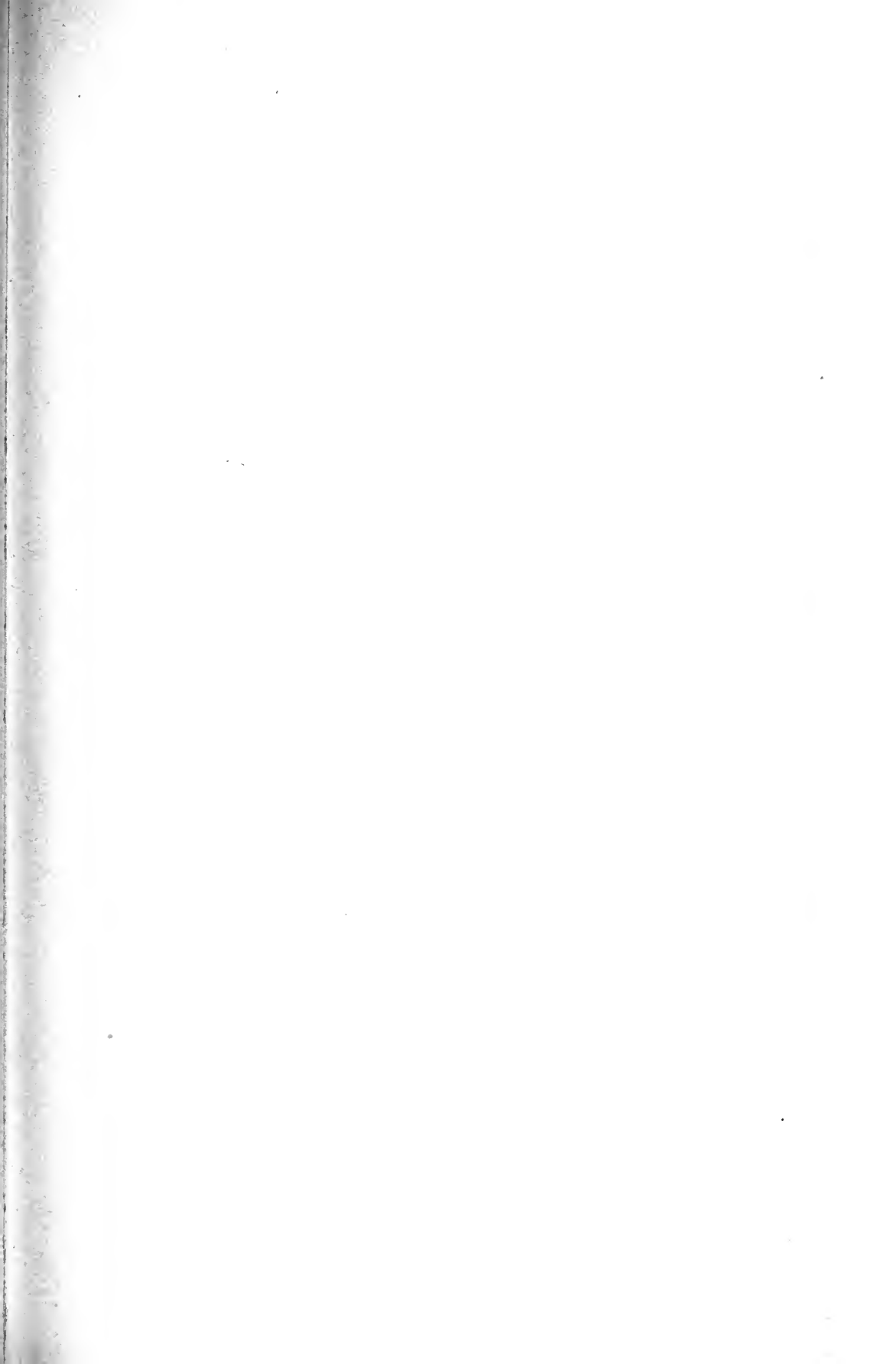
A. T. LITTLE,
Chairman
(Seal)

R. B. WILLIS,
Secretary.

THE BOARD OF HOSPITAL TRUSTEES
OF THE CITY OF LONDON

Wm. LOVEDAY,
Chairman.
(Seal)

L. J. CROZIER,
Secretary.



BILL

An Act Respecting Victoria Hospital,
London.

1st Reading

March 20th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. KELLEY

No. 109

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Pharmacy Act.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. Self-explanatory.

SECTION 3. The amendment is designed to enable the College of Pharmacy to meet expenses by prescribing an entrance fee and increasing the annual fees and also to place the distribution of fees on a more equitable basis.

BILL

An Act to amend The Pharmacy Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Pharmacy Act* is amended by striking out the word "third" in the third line and inserting in lieu thereof the word "first", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 9, subs. 1, amended.

(1) The Council shall hold at least two meetings for the transaction of general business in every year, on the first Monday in June and the first Monday in November, at such place as they may by resolution appoint. Meetings of the Council.

2. Subsection 2 of section 11 of *The Pharmacy Act* is amended by striking out the symbol and figures "\$10" in the second line and inserting in lieu thereof the symbol and figures "\$20", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 11, subs. 2, amended.

(2) Not more than five cents per mile for travelling expenses, or more than \$20 per diem for such days as a member is in actual attendance at a meeting of the Council or at any meeting mentioned in subsection 3 or upon the business of the College including going to and returning therefrom, shall be allowed to him for such expenses and remuneration. Allowances to members.

3. Subsection 1 of section 20 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 20, subs. 1, re-enacted.

(1) There shall be payable to the Registrar for the use of the College,— Fees.

(a) by every person before he shall be entered upon the register such sum not exceeding \$25 as may be determined by the by-laws of the Council;

(b) on such day in each year as the Council may fix by by-law by every person registered and practising his profession as a pharmaceutical chemist as owner or manager of the business of a pharmaceutical chemist or as manager of a dispensary, such sum not exceeding \$15 as may be determined by by-law of the Council; and

(c) on such day in each year as the Council may fix by by-law by every registered pharmaceutical chemist, who is a director of an incorporated company carrying on the business of a pharmaceutical chemist, in addition to the sum paid under clause b, such sum not exceeding \$15 as may be determined by by-law of the Council.

Fees for
additional
stores.

(1a) Where a person or incorporated company carries on business in more than one shop, such person or such incorporated company shall pay at the same time a further sum not exceeding \$15 as provided by by-law of the Council for each additional shop.

Certificate.

(1b) Every person and incorporated company upon payment of the above fees shall be entitled to receive a certificate of such payment in the form prescribed by the Council.

Rev. Stat.,
c. 228, s. 28,
amended.

4. Section 28 of *The Pharmacy Act* is amended by striking out the words "and unless one of such directors personally manages and conducts such open shop, and has his name and certificate displayed in a conspicuous position therein" in the third, fourth, fifth and sixth lines, so that the said section shall now read as follows:

Shops kept
by incor-
porated
companies.

28. No incorporated company shall do any of the acts prohibited by section 27 unless the majority of the directors thereof are duly registered under this Act, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others.

Short title.

5. This Act may be cited as *The Pharmacy Amendment Act, 1946*.

SECTION 4. This amendment brings the section into conformity with subsection 1 of section 20 as re-enacted.

THE UNIVERSITY OF CHICAGO
LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637

An Act to amend The Pharmacy Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. KELLEY

No. 109

2ND SESSION, 22ND LEGISLATURE, ONTARIO
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BILL

An Act to amend The Pharmacy Act.

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BILL

An Act to amend The Pharmacy Act.

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1. Subsection 1 of section 9 of *The Pharmacy Act* is amended by striking out the word "third" in the third line and inserting in lieu thereof the word "first", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 9, subs. 1, amended.

- (1) The Council shall hold at least two meetings for the transaction of general business in every year, on the first Monday in June and the first Monday in November, at such place as they may by resolution appoint. Meetings of the Council.

2. Subsection 2 of section 11 of *The Pharmacy Act* is amended by striking out the symbol and figures "\$10" in the second line and inserting in lieu thereof the symbol and figures "\$20", so that the said subsection shall now read as follows: Rev. Stat., c. 228, s. 11, subs. 2, amended.

- (2) Not more than five cents per mile for travelling expenses, or more than \$20 per diem for such days as a member is in actual attendance at a meeting of the Council or at any meeting mentioned in subsection 3 or upon the business of the College including going to and returning therefrom, shall be allowed to him for such expenses and remuneration. Allowances to members.

3. Subsection 1 of section 20 of *The Pharmacy Act* is repealed and the following substituted therefor: Rev. Stat., c. 228, s. 20, subs. 1, re-enacted.

- (1) There shall be payable to the Registrar for the use of the College,— Fees.

- (a) by every person before he shall be entered upon the register such sum not exceeding \$25 as may be determined by the by-laws of the Council;

(b) on such day in each year as the Council may fix by by-law by every person registered and practising his profession as a pharmaceutical chemist as owner or manager of the business of a pharmaceutical chemist or as manager of a dispensary, such sum not exceeding \$15 as may be determined by by-law of the Council; and

(c) on such day in each year as the Council may fix by by-law by every registered pharmaceutical chemist, who is a director of an incorporated company carrying on the business of a pharmaceutical chemist, in addition to the sum paid under clause b, such sum not exceeding \$15 as may be determined by by-law of the Council.

Fees for additional stores.

(1a) Where a person or incorporated company carries on business in more than one shop, such person or such incorporated company shall pay at the same time a further sum not exceeding \$15 as provided by by-law of the Council for each additional shop.

Certificate.

(1b) Every person and incorporated company upon payment of the above fees shall be entitled to receive a certificate of such payment in the form prescribed by the Council.

Rev. Stat., c. 228, s. 28, amended.

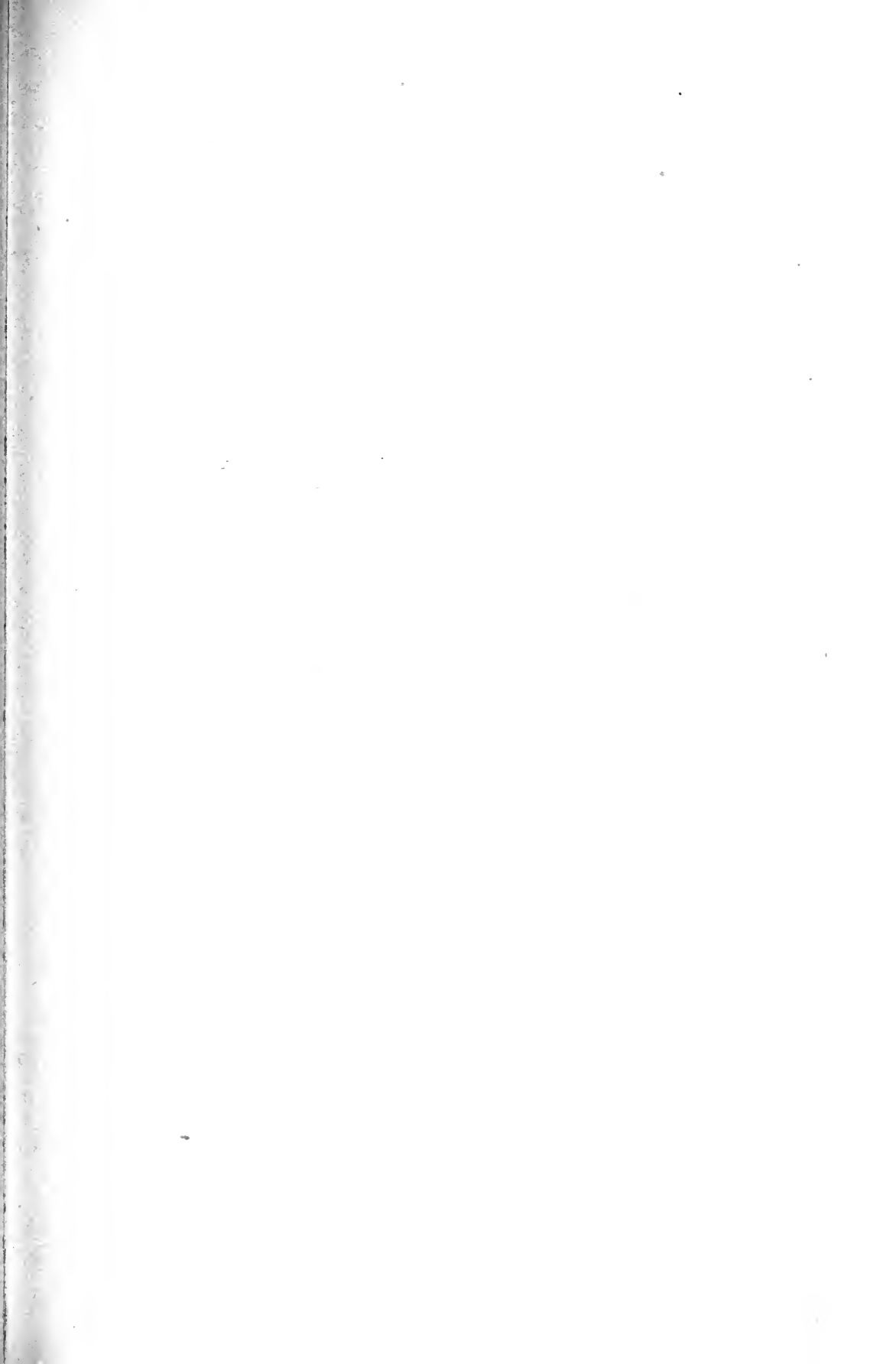
4. Section 28 of *The Pharmacy Act* is amended by striking out the words "and unless one of such directors personally manages and conducts such open shop, and has his name and certificate displayed in a conspicuous position therein" in the third, fourth, fifth and sixth lines, so that the said section shall now read as follows:

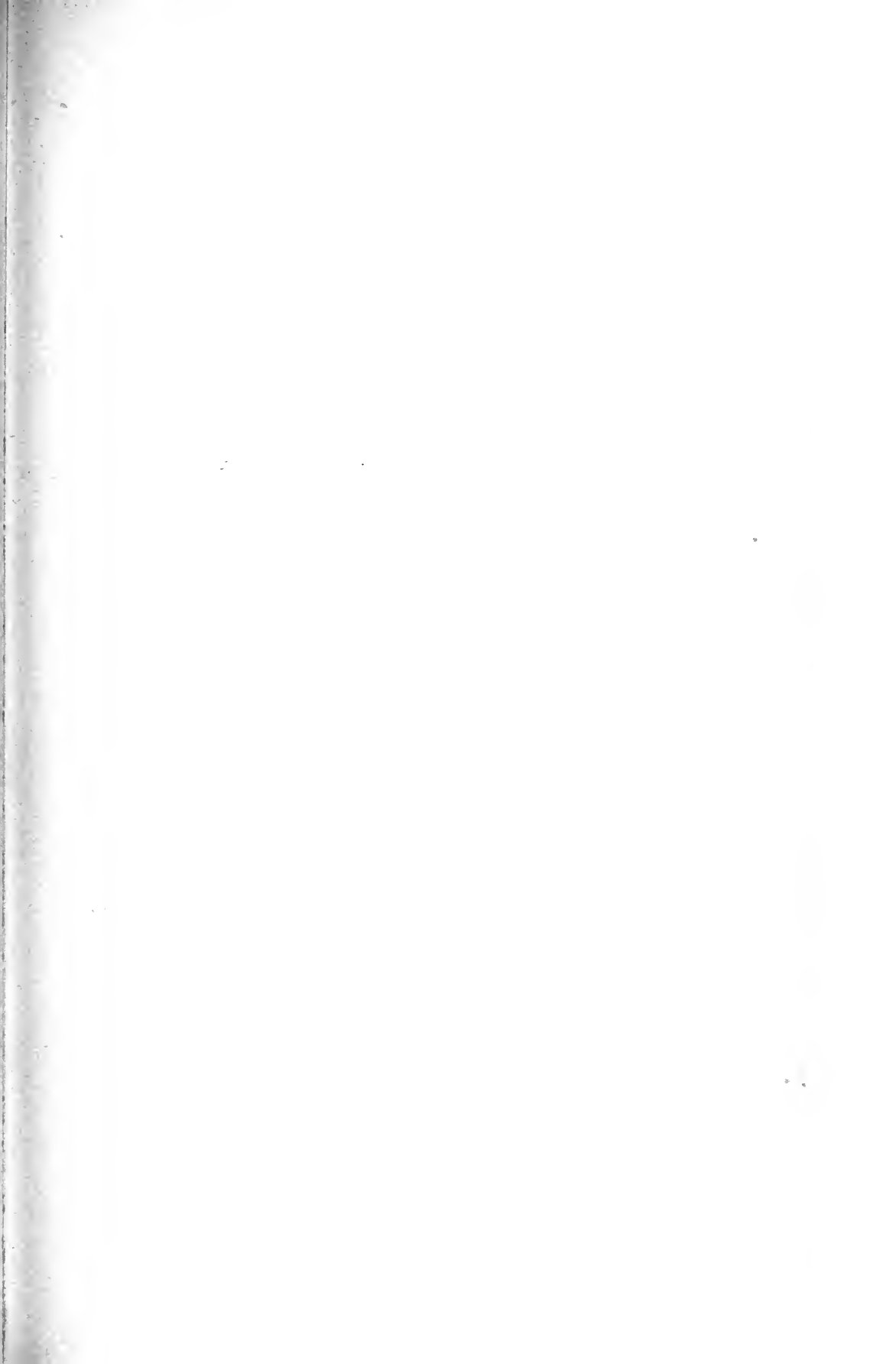
Shops kept by incorporated companies.

28. No incorporated company shall do any of the acts prohibited by section 27 unless the majority of the directors thereof are duly registered under this Act, and no person not so registered shall in any way interfere with or take part in the management and conduct of such shop, and anything done or omitted which would be an offence under this Act if done or omitted by an individual shall be an offence by each of such registered directors, and by such company, and the prosecution of any one or more of them shall not be a bar to the prosecution of the other or others.

Short title.

5. This Act may be cited as *The Pharmacy Amendment Act, 1946*.





An Act to amend The Pharmacy Act.

1st Reading

March 20th, 1946

2nd Reading

March 22nd, 1946

3rd Reading

March 27th, 1946

MR. KELLEY

No. 110

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Subsection 1 of section 2 of *The Venereal Diseases Prevention Act, 1942*, now provides that if a person is unable to obtain treatment he shall apply to the medical officer of health “who shall direct his course of conduct and treatment”. The repeal of the words quoted is in line with the amendment to subsection 2 of the same section.

Subsection 2. Subsection 2 of section 2 of *The Venereal Diseases Prevention Act, 1942*, at present provides that every infected person shall continue treatment until he obtains from the attending physician a notice in writing that he has received adequate treatment. This requirement is not practicable in that the patient may have attended several physicians. The new subsection requires an infected person to conduct himself so as not to expose other persons to infection and to take treatment considered to be adequate by the attending physician and the Minister. The reason for including “and the Minister” is to make it possible for the Department to take any necessary measures to see that patients receive the treatment required.

Subsection 3. Subsection 3 of section 2 of *The Venereal Diseases Prevention Act, 1942*, is repealed because there is a general penalty section (section 11) which is adequate.

SECTION 2. Self-explanatory.

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Venereal Diseases Prevention Act, 1942*, is amended by striking out the words “who shall direct his course of conduct and treatment” in the sixth and seventh lines, so that the said subsection shall now read as follows: 1942,
c. 38, s. 2,
subs. 1,
amended.

(1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to the medical officer of health for the place in which he is ordinarily or temporarily resident. Infected
person to
submit to
treatment.

(2) Subsection 2 of the said section 2 is amended by striking out all the words after the word “shall” in the first line and inserting in lieu thereof the words “conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister”, so that the said subsection shall now read as follows: 1942,
c. 38, s. 2,
subs. 2,
amended.

(2) Every such person shall conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister. Conduct
and
treatment.

(3) Subsection 3 of the said section 2 is repealed.

1942,
c. 38, s. 2,
subs. 3,
repealed.

2. Subsection 1 of section 4a of *The Venereal Diseases Prevention Act, 1942*, as enacted by section 2 of *The Venereal* 1942,
c. 38, s. 4a,
subs. 1
(1943,
c. 35, s. 2),
amended.

Diseases Prevention Amendment Act, 1943, is amended by striking out the words "the source" in the first and second lines of clause *a* and inserting in lieu thereof the words "a source or contact", and by inserting after the word "source" in the fourth line of the said clause *a* the words "or contact", so that the said subsection shall now read as follows:

Authority
of medical
officer
of health.

(1) Where,—

(a) any person has been named under oath as a source or contact of gonorrhoea infection or is believed by the medical officer of health to be a source or contact of such infection; and

(b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with gonorrhoea,

the medical officer of health may, whether or not laboratory findings indicate the presence of gonorrhoea infection, proceed in the manner prescribed in clauses *a* and *b* of subsection 3 of section 4.

1942,
c. 38, s. 9,
subs. 2,
amended.

3. Subsection 2 of section 9 of *The Venereal Diseases Prevention Act, 1942*, is amended by inserting after the word "Minister" in the fourth line the words "and the medical officer of health", so that the said subsection shall now read as follows:

Failure
to attend
within
seven days.

(2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister and the medical officer of health within fourteen days of the appointment.

1942,
c. 38, s. 11,
subs. 1,
amended.

4.—(1) Subsection 1 of section 11 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following clause:

(dd) during the course of his treatment for any venereal disease changes his place of residence without giving due notice of such proposed change with his new address to the attending physician.

1942,
c. 38, s. 11,
amended.

(2) The said section 11 is amended by adding thereto the following subsection:

Summons
by personal
service.
Rev. Stat.,
c. 136.

(3) Notwithstanding the provisions of *The Summary Convictions Act*, service of any summons issued for a violation of this Act may be effected by personal service.

SECTION 3. Self-explanatory.

SECTION 4—Subsection 1. The act indicated in the new clause (*dd*) is rendered an offence for which is prescribed “a penalty of not less than \$25 nor more than \$100 and in default of immediate payment shall be imprisoned for a period not exceeding three months”.

Subsection 2. The general rule under *The Summary Convictions Act* is that summonses shall be served by mail. The amendment is self-explanatory.

SECTION 5. Under the present Act, in keeping with the secrecy provisions, the names of persons infected "may be designated by a number or otherwise." Under the Bill such names "shall be designated by a number".

SECTION 6. Self-explanatory.

5. Subsection 2 of section 17 of *The Venereal Diseases Prevention Act, 1942*, is amended by striking out the words "may be designated by a number or otherwise" in the fourth line and inserting in lieu thereof the words "shall be designated by a number", so that the said subsection shall now read as follows:

- (2) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any account in connection with treatment therefor, but the case shall be designated by a number and it shall be the duty of every local board of health to see that secrecy is preserved.

6. Section 20 of *The Venereal Diseases Prevention Act, 1942*, is amended by inserting after the word "infected" in the first line the words "or believed to be infected", so that the said section shall now read as follows:

20. Where any person infected or believed to be infected with venereal disease is a child under the age of sixteen years all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of such child shall be given to the father or mother or to the person having the custody of the child for the time being and it shall be the duty of such father, mother or other person to see that such child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, shall be liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that such father, mother or other person did everything in his power to cause such child to comply therewith.

7. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1946*.

BILL

An Act to amend The Venereal Diseases
Prevention Act, 1942.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. KELLEY

No. 110

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

MR. KELLEY

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BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Venereal Diseases Prevention Act, 1942*, is amended by striking out the words “who shall direct his course of conduct and treatment” in the sixth and seventh lines, so that the said subsection shall now read as follows:

- (1) Every person infected with venereal disease upon becoming aware or suspecting that he is so infected shall place himself forthwith under the care and treatment of a physician, and if unable to obtain such care or treatment he shall apply to the medical officer of health for the place in which he is ordinarily or temporarily resident.

(2) Subsection 2 of the said section 2 is amended by striking out all the words after the word “shall” in the first line and inserting in lieu thereof the words “conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister”, so that the said subsection shall now read as follows:

- (2) Every such person shall conduct himself in such a manner as not to expose other persons to the danger of infection, and shall take and continue treatment in a manner and to an extent considered to be adequate by the attending physician and the Minister.

(3) Subsection 3 of the said section 2 is repealed.

2. Subsection 1 of section 4a of *The Venereal Diseases Prevention Act, 1942*, as enacted by section 2 of *The Venereal*

Diseases Prevention Amendment Act, 1943, is amended by striking out the words "the source" in the first and second lines of clause *a* and inserting in lieu thereof the words "a source or contact", and by inserting after the word "source" in the fourth line of the said clause *a* the words "or contact", so that the said subsection shall now read as follows:

Authority
of medical
officer
of health.

(1) Where,—

- (a) any person has been named under oath as a source or contact of gonorrhoea infection or is believed by the medical officer of health to be a source or contact of such infection; and
- (b) in the opinion of the medical officer of health the clinical findings and history of such person indicate that such person is or may be infected with gonorrhoea,

the medical officer of health may, whether or not laboratory findings indicate the presence of gonorrhoea infection, proceed in the manner prescribed in clauses *a* and *b* of subsection 3 of section 4.

1942,
c. 38, s. 9,
subs. 2,
amended.

3. Subsection 2 of section 9 of *The Venereal Diseases Prevention Act, 1942*, is amended by inserting after the word "Minister" in the fourth line the words "and the medical officer of health", so that the said subsection shall now read as follows:

Failure
to attend
within
seven days.

- (2) A person who fails to attend upon his physician within seven days of an appointment for treatment shall be presumed to have neglected to continue treatment and the attending physician shall report such failure in writing to the Minister and the medical officer of health within fourteen days of the appointment.

1942,
c. 38, s. 11,
subs. 1,
amended.

4.—(1) Subsection 1 of section 11 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following clause:

- (dd) during the course of his treatment for any venereal disease changes his place of residence without giving due notice of such proposed change with his new address to the attending physician.

1942,
c. 38, s. 11,
amended.

(2) The said section 11 is amended by adding thereto the following subsection:

Summons
by personal
service.
Rev. Stat.,
c. 136.

- (3) Notwithstanding the provisions of *The Summary Convictions Act*, service of any summons issued for a violation of this Act may be effected by personal service.

5. Subsection 2 of section 17 of *The Venereal Diseases Prevention Act, 1942*, is amended by striking out the words "may be designated by a number or otherwise" in the fourth line and inserting in lieu thereof the words "shall be designated by a number", so that the said subsection shall now read as follows:

1942,
c. 38, s. 17,
subs. 2,
amended.

- (2) The name of any person infected or suspected to be infected with any venereal disease shall not appear on any account in connection with treatment therefor, but the case shall be designated by a number and it shall be the duty of every local board of health to see that secrecy is preserved.

Secrecy as
to name.

6. Section 20 of *The Venereal Diseases Prevention Act, 1942*, is amended by inserting after the word "infected" in the first line the words "or believed to be infected", so that the said section shall now read as follows:

1942,
c. 38, s. 20,
amended.

20. Where any person infected or believed to be infected with venereal disease is a child under the age of sixteen years all notices, directions or orders required or authorized by this Act or by the regulations to be given in respect of such child shall be given to the father or mother or to the person having the custody of the child for the time being and it shall be the duty of such father, mother or other person to see that such child complies in every respect with every such notice, order or direction and in default thereof the father, mother or other person, as the case may be, shall be liable to the penalties provided by this Act or the regulations for non-compliance with any such notice, direction or order unless on any prosecution in that behalf it is proven to the satisfaction of the court that such father, mother or other person did everything in his power to cause such child to comply therewith.

Where
person
infected
is under
sixteen
years.

7. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1946*.

Short title.

An Act to amend The Venereal Diseases
Prevention Act, 1942.

1st Reading

March 20th, 1946

2nd Reading

March 22nd, 1946

3rd Reading

March 27th, 1946

MR. KELLEY

No. 111

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Medical Act.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

SECTION 1—Subsection 1. The provisions in subsection 1 of section 4 of the Act respecting the election or appointment of members of the Council and the procedure to be followed in the event of a vacancy are re-enacted.

Subsection 2. The provisions of subsection 2 of section 4 of the Act are made applicable in the event of any vacancy.

BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Medical Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 225, s. 4,
subs. 1,
re-enacted.

(1) The members of the Council other than the Minister of Health for Ontario shall be elected or appointed, as the case may be, for a period of four years or until their successors are elected or appointed.

Term of
office.

(1a) In the event that any member dies, resigns or becomes incapable of acting by reason of mental or physical illness, his seat shall *ipso facto* become vacant.

Vacancies.

(1b) A declaration of the existence of a vacancy for the reasons mentioned in subsection 1a of this section or subsection 4 of section 3, entered upon the minutes of the Council shall be conclusive evidence thereof.

Declaration
of vacancy
to be
entered upon
minutes.

(1c) In the event of a vacancy, the registrar shall forthwith notify the body in respect of which the vacancy has occurred and such body shall have the power to nominate another duly qualified person to fill the vacancy, or if the vacancy occurs in respect of any member elected from a territorial division, the registrar shall forthwith cause a new election to be held in such territorial division and the election shall be conducted in accordance with the by-laws and regulations of the Council.

Notice as
to vacancy.

(1d) During any vacancy it shall be lawful for the Council to exercise all its powers under this Act.

Powers of
Council
during
vacancy.

(2) Subsection 2 of the said section 4 is amended by striking out the words "the death or resignation" in the first line and inserting in lieu thereof the words "a vacancy in respect", so that the said subsection shall now read as follows:

Rev. Stat.,
s. 225, s. 4,
subs. 2,
amended.

Vacancies
in respect
of homœo-
pathic
members of
Council.

- (2) In the event of a vacancy in respect of any member of the Council representing the practitioners of the homœopathic system of medicine, the remaining practitioners of the homœopathic system in Ontario may fill such vacancy by selecting from amongst the duly registered practitioners resident in Ontario and actually engaged in the practice of homœopathy, a person to fill the vacancy.

Rev. Stat.,
c. 225, s. 9,
subs. 3,
amended.

2. Subsection 3 of section 9 of *The Medical Act* is amended by striking out the word "seven" in the second line and inserting in lieu thereof the word "eight", so that the said subsection shall now read as follows:

Majority.

- (3) All questions shall be decided by the majority of the members present, and eight members shall form a quorum of the Council.

Rev. Stat.,
c. 225, s. 11,
amended.

3. Section 11 of *The Medical Act* is amended by inserting after the word "registrar-treasurer" in the third line the words "assistant registrar", so that the said section shall now read as follows:

Appoint-
ment of
officers.

11. The Council shall annually elect a president and vice-president from among its members and shall also appoint a registrar-treasurer, assistant registrar and such other officers as may from time to time be necessary for giving effect to this Act, who shall hold office during the pleasure of the Council, and the Council may fix the salaries or fees to be paid to such officers, and to the board of examiners herein-after mentioned.

Rev. Stat.,
c. 225, s. 14,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 14 of *The Medical Act* is amended by striking out the words "appoint examiners for the admission of all students to the matriculation or preliminary examination, and may make by-laws and regulations for determining the admission and enrolment of students" in the second, third, fourth and fifth lines and inserting in lieu thereof the words "make regulations respecting educational qualifications for all candidates applying for student registration", so that the said subsection shall now read as follows:

Regulations
respecting
educational
qualifica-
tions.

- (1) The Council shall have power and authority to make regulations respecting educational qualifications for all candidates applying for student registration but any change in the curriculum of studies fixed by the Council shall not come into effect until one year after such change is made.

SECTION 2 increases a quorum from seven to eight members.

SECTION 3 provides for the appointment of an assistant registrar.

SECTION 4—Subsection 1 amends the provisions in subsection 1 of section 14 of the Act relating to the educational qualifications for candidates applying for student registration.

Subsection 2 of section 14 of the Act is amended in accordance with the change made in subsection 1.

SECTION 5—Section 15 of the Act is amended in accordance with the change made in section 14 of the Act.

SECTION 6.. Self-explanatory.

SECTION 7 substitutes for "British Empire" and amends nomenclature.

(2) Subsection 2 of the said section 14 is amended by striking out the words "pass the matriculation examination referred to in subsection 1 as the preliminary examination for all students in medicine" in the third, fourth and fifth lines and inserting in lieu thereof the words "possess the educational qualification fixed pursuant to subsection 1", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 14,
subs. 2,
amended.

(2) Until a homœopathic medical college for teaching purposes is established in Ontario, candidates wishing to be registered as homœopathists shall possess the educational qualification fixed pursuant to subsection 1, and shall present evidence of having spent the full period of study required by the curriculum of the Council in a duly approved homœopathic medical college under the supervision of a duly registered homœopathic practitioner.

Homœo-
pathists.

5. Section 15 of *The Medical Act* is amended by striking out the words "matriculation and other" in the second line, so that the said section shall now read as follows:

Rev. Stat.,
c. 225, s. 15,
amended.

15. The Council may make by-laws as to the terms upon which it will receive the certificates of colleges and other institutions not in Ontario.

Council may
recognize
certificates
of foreign
institutions.

6. Section 16 of *The Medical Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 225, s. 16,
re-enacted.

16. Graduates in science and graduates in arts including a science, of any university in His Majesty's Dominions shall be deemed to possess the educational qualifications fixed pursuant to subsection 1 of section 14.

Graduates
of Univer-
sities in
His
Majesty's
Dominions.

7. Section 20 of *The Medical Act* is amended by striking out the word "Empire" in the fourth line and inserting in lieu thereof the words "Commonwealth of Nations or any colony or dependency thereof", so that the said section shall now read as follows:

Rev. Stat.,
c. 225, s. 20,
amended.

20. The Council may admit to registration medical practitioners duly registered in The Medical Register of the United Kingdom, or in any register of persons entitled to practise in any part of the British Commonwealth of Nations or any colony or dependency thereof, upon such terms and conditions as the Council may from time to time deem expedient, having regard not only to the qualification of applicants for registration, but also to such rules, regulations and conditions as may be from time to time

Admitting
medical
practitioners
registered in
British
Common-
wealth of
Nations, or
colony or
dependency
thereof.

in force regarding the reciprocal admission to The Medical Register of the United Kingdom or other register as aforesaid of medical practitioners registered according to the provisions of this Act.

Rev. Stat.,
c. 225, s. 29,
subs. 1,
amended.

8. Subsection 1 of section 29 of *The Medical Act* is amended by striking out the word "may" in the seventh line and inserting in lieu thereof the word "shall", and by striking out the words "an order in writing of the Council" in the eighth line and inserting in lieu thereof the words "resolution passed by Council", so that the said subsection shall now read as follows:

Registrar to
be satisfied
as to quali-
fications.

- (1) No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the registrar is satisfied by proper evidence that the person claiming is entitled to it, and any appeal from the decision of the registrar may be decided by the Council, and any entry proved to the satisfaction of the Council to have been incorrectly made shall be erased from the register by resolution passed by Council.

Rev. Stat.,
c. 225, s. 34,
amended.

9. Section 34 of *The Medical Act* is amended by striking out the words "or the committee" in the first and second lines and inserting in lieu thereof the words "committee, registrar-treasurer or assistant registrar", so that the said section shall now read as follows:

Appeal from
decision of
Council.

34. No action shall be brought against the Council, committee, registrar-treasurer or assistant registrar for anything done *bona fide* under this Act, notwithstanding any want of form in the proceedings, but any person whose name has been ordered to be erased from the register may appeal from the decision of the Council to the Court of Appeal, at any time within six months from the date of the order for such erasure, and the Court may, upon the hearing of the appeal, make such order as to the restoration of the name so erased or confirming such erasure, or for further inquiry by the committee or Council into the facts of the case, and as to costs as the Court shall deem just.

Rev. Stat.,
c. 225, s. 40,
subs. 1,
amended.

10. Subsection 1 of section 40 of *The Medical Act* is amended by inserting before the word "Ontario" in the ninth line the word "Published", so that the said subsection shall now read as follows:

Register to
be printed
and
published.

- (1) The registrar shall from time to time under the direction of the Council cause to be printed and published a correct register of the names in alphabetical order

SECTION 8 amends the procedure for erasing an incorrect entry in the register.

SECTION 9 extends the provisions of section 34 of the Act to the registrar and assistant registrar.

SECTION 10 changes the designation of the register from "The Ontario Medical Register" to "The Published Ontario Medical Register."

SECTION 11 increases the maximum fee from \$2.00 to \$5.00.

SECTION 12 increases the fee for re-registration from \$2.00 to \$5.00.

SECTION 13 increases the number of members of Council who must be present at the passing of certain by-laws.

according to the surnames, with the respective residences in the form set forth in Schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character and the dates thereof, of all persons appearing on the register as existing on the day of publication and such register shall be called "The Published Ontario Medical Register".

11. Subsection 1 of section 41 of *The Medical Act* is amended by striking out the symbol and figure "\$2" in the third line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 41,
subs. 1,
amended.

- (1) Every member of the College shall pay to the registrar or to any person deputed by the registrar to receive it, such annual fee, not being less than \$1 nor more than \$5 as may from time to time be determined by by-laws of the Council passed as in this section is provided, to be applied towards the general expenses of the College, which fee shall be due on and from the 1st day of January in the year in which the same is imposed, and such fee shall be deemed to be a debt due by each member to the College, and shall be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court of the division in which the member resides.

Annual fee.

12. Subsection 6 of section 42 of *The Medical Act* is amended by striking out the symbol and figure "\$2" in the fourth line and inserting in lieu thereof the symbol and figure "\$5", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 42,
subs. 6,
amended.

- (6) Such medical practitioner may, unless otherwise disqualified under this Act, at any time after his name is so erased by the registrar, obtain re-registration by applying to the registrar and paying \$5 in addition to all arrears of fees and dues under this Act, and taking out his certificate as herein provided, and he shall be thereupon reinstated to the full privileges enjoyed by other registered medical practitioners under this Act.

Re-registration
upon
payment of
arrears.

13. Subsection 2 of section 43 of *The Medical Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 43,
subs. 2,
amended.

- (2) No member of the Council shall be entitled to vote on any by-law under this section except the elected members of the Council, six of whom at least must be present at the passing of the by-law.

Who may
vote on
by-laws
under this
section.

Rev. Stat.,
c. 225, s. 47,
amended.

14. Section 47 of *The Medical Act* is amended by striking out the symbol and figures "\$25" in the seventh line and inserting in lieu thereof the symbol and figures "\$50", and by striking out the symbol and figures "\$100" in the ninth line and inserting in lieu thereof the symbol and figures "\$200", so that the said section shall now read as follows:

Penalty for
practising
without
registration.

47. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and if any person not registered pursuant to this Act, for hire, gain or hope of reward practices or professes to practise medicine, surgery or midwifery, or advertises to give advice in medicine, surgery or midwifery, he shall incur a penalty of not less than \$50 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

Rev. Stat.,
c. 225, s. 48,
amended.

15. Section 48 of *The Medical Act* is amended by striking out the words, figures and symbols "\$10 nor more than \$50" in the fifth line and inserting in lieu thereof the words, figures and symbols "\$50 nor more than \$100", and by striking out the words, figures and symbols "\$50 nor more than \$200" in the seventh line and inserting in lieu thereof the words, figures and symbols "\$200 nor more than \$500", so that the said section shall now read as follows:

Penalty for
falsely pre-
tending, etc.

48. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall incur a penalty of not less than \$50 nor more than \$100 for the first offence and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

Rev. Stat.,
c. 225, s. 49,
subs. 1,
amended.

16. Subsection 1 of section 49 of *The Medical Act* is amended by striking out the symbol and figures "\$25" in the eleventh line and inserting in lieu thereof the symbol and figures "\$50", and by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

Use of cer-
tain titles
restricted.

(1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor", "Surgeon" or "Physician" or any affix or prefix in-

SECTION 14 increases the penalty for practising without registration.

SECTION 15 increases the penalty for falsely pretending to be a physician, etc.

SECTION 16 increases the penalty for improper use of certain titles.

SECTION 17 re-enacts section 50 of the Act relating to the recovery of charges in court.

SECTION 18 re-enacts section 59 of the Act relating to the application of use of the Council funds.

dicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such, shall incur a penalty of not less than \$50 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

17. Section 50 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 225, s. 50, re-enacted.

50. No person shall be entitled to recover any charge in any court for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed or supplied, unless he produces to the court a certificate that he was registered under this Act at the time the services were rendered, but this section shall not apply,— Not entitled to recover charges unless registered.

- (a) to the sale of any drug or medicine by any duly authorized chemist or druggist;
- (b) to the personal representative of a deceased person who at the time of giving, making, performing, prescribing or supplying such advice, attendance, operation or medicine was so registered; or
- (c) where such advice, attendance, operation or medicine was given, made, performed, prescribed or supplied outside of Ontario.

18. Section 59 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 225, s. 59, re-enacted.

59. All moneys forming part of the Council funds shall be paid to the Treasurer and may be applied or used in such manner as the Council may determine,— Council funds.

- (a) for the carrying out of the provisions of this Act;
- (b) for any purpose which may tend to advance scientific knowledge or medical education and maintain the standards of the practice of medicine, surgery and midwifery;
- (c) for assisting in the maintenance of a fund for the benefit of needy medical practitioners in Ontario; and

(d) generally to promote the objects of the College.

Rev. Stat.,
c. 225,
amended.

19. *The Medical Act* is amended by adding thereto the following section:

Absence of
registrar-
treasurer.

61. During the absence of the registrar-treasurer by reason of illness or otherwise, the powers and duties conferred and imposed upon him by this Act shall be exercised and performed by the assistant registrar.

Short title.

20. This Act may be cited as *The Medical Amendment Act, 1946*.

SECTION 19 prescribes the powers and duties of the assistant registrar.

An Act to amend The Medical Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. KELLEY

No. 111

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Medical Act.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Medical Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 4 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 225, s. 4, subs. 1, re-enacted.

(1) The members of the Council other than the Minister of Health for Ontario shall be elected or appointed, as the case may be, for a period of four years or until their successors are elected or appointed. Term of office.

(1a) In the event that any member dies, resigns or becomes incapable of acting by reason of mental or physical illness, his seat shall *ipso facto* become vacant. vacancies.

(1b) A declaration of the existence of a vacancy for the reasons mentioned in subsection 1a of this section or subsection 4 of section 3, entered upon the minutes of the Council shall be conclusive evidence thereof. Declaration of vacancy to be entered upon minutes.

(1c) In the event of a vacancy, the registrar shall forthwith notify the body in respect of which the vacancy has occurred and such body shall have the power to nominate another duly qualified person to fill the vacancy, or if the vacancy occurs in respect of any member elected from a territorial division, the registrar shall forthwith cause a new election to be held in such territorial division and the election shall be conducted in accordance with the by-laws and regulations of the Council. Notice as to vacancy.

(1d) During any vacancy it shall be lawful for the Council to exercise all its powers under this Act. Powers of Council during vacancy.

(2) Subsection 2 of the said section 4 is amended by striking out the words "the death or resignation" in the first line and inserting in lieu thereof the words "a vacancy in respect", so that the said subsection shall now read as follows: Rev. Stat., s. 225, s. 4, subs. 2, amended.

Vacancies
in respect
of homœo-
pathic
members of
Council.

- (2) In the event of a vacancy in respect of any member of the Council representing the practitioners of the homœopathic system of medicine, the remaining practitioners of the homœopathic system in Ontario may fill such vacancy by selecting from amongst the duly registered practitioners resident in Ontario and actually engaged in the practice of homœopathy, a person to fill the vacancy.

Rev. Stat.,
c. 225, s. 9,
subs. 3,
amended.

2. Subsection 3 of section 9 of *The Medical Act* is amended by striking out the word "seven" in the second line and inserting in lieu thereof the word "eight", so that the said subsection shall now read as follows:

Majority.

- (3) All questions shall be decided by the majority of the members present, and eight members shall form a quorum of the Council.

Rev. Stat.,
c. 225, s. 11,
amended.

3. Section 11 of *The Medical Act* is amended by inserting after the word "registrar-treasurer" in the third line the words "assistant registrar", so that the said section shall now read as follows:

Appoint-
ment of
officers.

11. The Council shall annually elect a president and vice-president from among its members and shall also appoint a registrar-treasurer, assistant registrar and such other officers as may from time to time be necessary for giving effect to this Act, who shall hold office during the pleasure of the Council, and the Council may fix the salaries or fees to be paid to such officers, and to the board of examiners herein-after mentioned.

Rev. Stat.,
c. 225, s. 11,
subs. 1,
amended.

- 4.—(1) Subsection 1 of section 14 of *The Medical Act* is amended by striking out the words "appoint examiners for the admission of all students to the matriculation or preliminary examination, and may make by-laws and regulations for determining the admission and enrolment of students" in the second, third, fourth and fifth lines and inserting in lieu thereof the words "make regulations respecting educational qualifications for all candidates applying for student registration", so that the said subsection shall now read as follows:

Regulations
respecting
educational
qualifica-
tions.

- (1) The Council shall have power and authority to make regulations respecting educational qualifications for all candidates applying for student registration but any change in the curriculum of studies fixed by the Council shall not come into effect until one year after such change is made.

(2) Subsection 2 of the said section 14 is amended by striking out the words "pass the matriculation examination referred to in subsection 1 as the preliminary examination for all students in medicine" in the third, fourth and fifth lines and inserting in lieu thereof the words "possess the educational qualification fixed pursuant to subsection 1", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 225, s. 14,
subs. 2,
amended.

(2) Until a homœopathic medical college for teaching purposes is established in Ontario, candidates wishing to be registered as homœopathists shall possess the educational qualification fixed pursuant to subsection 1, and shall present evidence of having spent the full period of study required by the curriculum of the Council in a duly approved homœopathic medical college under the supervision of a duly registered homœopathic practitioner.

Homœo-
pathists.

5. Section 15 of *The Medical Act* is amended by striking out the words "matriculation and other" in the second line, so that the said section shall now read as follows:

Rev. Stat.,
c. 225, s. 15,
amended.

15. The Council may make by-laws as to the terms upon which it will receive the certificates of colleges and other institutions not in Ontario.

Council may
recognize
certificates
of foreign
institutions.

6. Section 16 of *The Medical Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 225, s. 16,
re-enacted.

16. Graduates in science and graduates in arts including a science, of any university in His Majesty's Dominions shall be deemed to possess the educational qualifications fixed pursuant to subsection 1 of section 14.

Graduates
of Univer-
sities in
His
Majesty's
Dominions.

7. Section 20 of *The Medical Act* is amended by striking out the word "Empire" in the fourth line and inserting in lieu thereof the words "Commonwealth of Nations or any colony or dependency thereof", so that the said section shall now read as follows:

Rev. Stat.,
c. 225, s. 20,
amended.

20. The Council may admit to registration medical practitioners duly registered in The Medical Register of the United Kingdom, or in any register of persons entitled to practise in any part of the British Commonwealth of Nations or any colony or dependency thereof, upon such terms and conditions as the Council may from time to time deem expedient, having regard not only to the qualification of applicants for registration, but also to such rules, regulations and conditions as may be from time to time

Admitting
medical
practitioners
registered in
British
Common-
wealth of
Nations, or
colony or
dependency
thereof.

in force regarding the reciprocal admission to The Medical Register of the United Kingdom or other register as aforesaid of medical practitioners registered according to the provisions of this Act.

Rev. Stat.,
c. 225, s. 29,
subs. 1,
amended.

8. Subsection 1 of section 29 of *The Medical Act* is amended by striking out the word "may" in the seventh line and inserting in lieu thereof the word "shall", and by striking out the words "an order in writing of the Council" in the eighth line and inserting in lieu thereof the words "resolution passed by Council", so that the said subsection shall now read as follows:

Registrar to
be satisfied
as to quali-
fications.

- (1) No qualification shall be entered on the register either on the first registration or by way of addition to a registered name unless the registrar is satisfied by proper evidence that the person claiming is entitled to it, and any appeal from the decision of the registrar may be decided by the Council, and any entry proved to the satisfaction of the Council to have been incorrectly made shall be erased from the register by resolution passed by Council.

Appeal to
Council.

Rev. Stat.,
c. 225, s. 34,
amended.

9. Section 34 of *The Medical Act* is amended by striking out the words "or the committee" in the first and second lines and inserting in lieu thereof the words "committee, registrar-treasurer or assistant registrar", so that the said section shall now read as follows:

Appeal from
decision of
Council.

34. No action shall be brought against the Council, committee, registrar-treasurer or assistant registrar for anything done *bona fide* under this Act, notwithstanding any want of form in the proceedings, but any person whose name has been ordered to be erased from the register may appeal from the decision of the Council to the Court of Appeal, at any time within six months from the date of the order for such erasure, and the Court may, upon the hearing of the appeal, make such order as to the restoration of the name so erased or confirming such erasure, or for further inquiry by the committee or Council into the facts of the case, and as to costs as the Court shall deem just.

Rev. Stat.,
c. 225, s. 40,
subs. 1,
amended.

10. Subsection 1 of section 40 of *The Medical Act* is amended by inserting before the word "Ontario" in the ninth line the word "Published", so that the said subsection shall now read as follows:

Register to
be printed
and
published.

- (1) The registrar shall from time to time under the direction of the Council cause to be printed and published a correct register of the names in alphabetical order

according to the surnames, with the respective residences in the form set forth in Schedule B, or to the like effect, with the titles, diplomas and qualifications of medical character and the dates thereof, of all persons appearing on the register as existing on the day of publication and such register shall be called "The Published Ontario Medical Register".

11. Subsection 1 of section 41 of *The Medical Act* is amended by striking out the symbol and figure "S2" in the third line and inserting in lieu thereof the symbol and figure "S5", so that the said subsection shall now read as follows: Rev. Stat., c. 225, s. 41, subs. 1, amended.

- (1) Every member of the College shall pay to the registrar or to any person deputed by the registrar to receive it, such annual fee, not being less than \$1 nor more than \$5 as may from time to time be determined by by-laws of the Council passed as in this section is provided, to be applied towards the general expenses of the College, which fee shall be due on and from the 1st day of January in the year in which the same is imposed, and such fee shall be deemed to be a debt due by each member to the College, and shall be recoverable with costs of suit in the name of the College of Physicians and Surgeons of Ontario, in the division court of the division in which the member resides. Annual fee.

12. Subsection 6 of section 42 of *The Medical Act* is amended by striking out the symbol and figure "S2" in the fourth line and inserting in lieu thereof the symbol and figure "S5", so that the said subsection shall now read as follows: Rev. Stat., c. 225, s. 42, subs. 6, amended.

- (6) Such medical practitioner may, unless otherwise disqualified under this Act, at any time after his name is so erased by the registrar, obtain re-registration by applying to the registrar and paying \$5 in addition to all arrears of fees and dues under this Act, and taking out his certificate as herein provided, and he shall be thereupon reinstated to the full privileges enjoyed by other registered medical practitioners under this Act. Re-registration upon payment of arrears.

13. Subsection 2 of section 43 of *The Medical Act* is amended by striking out the word "five" in the third line and inserting in lieu thereof the word "six", so that the said subsection shall now read as follows: Rev. Stat., c. 225, s. 43, subs. 2, amended.

- (2) No member of the Council shall be entitled to vote on any by-law under this section except the elected members of the Council, six of whom at least must be present at the passing of the by-law. Who may vote on by-laws under this section.

Rev. Stat.,
c. 225, s. 47,
amended.

14. Section 47 of *The Medical Act* is amended by striking out the symbol and figures "\$25" in the seventh line and inserting in lieu thereof the symbol and figures "\$50", and by striking out the symbol and figures "\$100" in the ninth line and inserting in lieu thereof the symbol and figures "\$200", so that the said section shall now read as follows:

Penalty for
practising
without
registration.

47. No person not registered shall practise medicine, surgery or midwifery for hire, gain or hope of reward, and if any person not registered pursuant to this Act, for hire, gain or hope of reward practices or professes to practise medicine, surgery or midwifery, or advertises to give advice in medicine, surgery or midwifery, he shall incur a penalty of not less than \$50 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

Rev. Stat.,
c. 225, s. 48,
amended.

15. Section 48 of *The Medical Act* is amended by striking out the words, figures and symbols "\$10 nor more than \$50" in the fifth line and inserting in lieu thereof the words, figures and symbols "\$50 nor more than \$100", and by striking out the words, figures and symbols "\$50 nor more than \$200" in the seventh line and inserting in lieu thereof the words, figures and symbols "\$200 nor more than \$500", so that the said section shall now read as follows:

Penalty for
falsely pre-
tending, etc.

48. Any person who wilfully or falsely pretends to be a physician, doctor of medicine, surgeon or general practitioner, or assumes any title, addition or description other than he actually possesses and is legally entitled to, shall incur a penalty of not less than \$50 nor more than \$100 for the first offence and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

Rev. Stat.,
c. 225, s. 49,
subs. 1,
amended.

16. Subsection 1 of section 49 of *The Medical Act* is amended by striking out the symbol and figures "\$25" in the eleventh line and inserting in lieu thereof the symbol and figures "\$50", and by striking out the symbol and figures "\$100" in the thirteenth line and inserting in lieu thereof the symbol and figures "\$200", so that the said subsection shall now read as follows:

Use of cer-
tain titles
restricted.

(1) Any person not registered pursuant to this Act who takes or uses any name, title, addition or description implying or calculated to lead people to infer that he is registered under this Act, or that he is recognized by law as a physician, surgeon, accoucheur or a licentiate in medicine, surgery or midwifery, or who assumes, uses or employs the title "Doctor", "Surgeon" or "Physician" or any affix or prefix in-

dicative of such titles as an occupational designation relating to the treatment of human ailments or physical defects or advertises or holds himself out as such, shall incur a penalty of not less than \$50 nor more than \$100 for the first offence, and for any subsequent offence a penalty of not less than \$200 nor more than \$500.

17. Section 50 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 225, s. 50, re-enacted.

50. No person shall be entitled to recover any charge in any court for any medical or surgical advice, or for attendance, or for the performance of any operation, or for any medicine which he may have prescribed or supplied, unless he produces to the court a certificate that he was registered under this Act at the time the services were rendered, but this section shall not apply,—

- (a) to the sale of any drug or medicine by any duly authorized chemist or druggist;
- (b) to the personal representative of a deceased person who at the time of giving, making, performing, prescribing or supplying such advice, attendance, operation or medicine was so registered; or
- (c) where such advice, attendance, operation or medicine was given, made, performed, prescribed or supplied outside of Ontario.

18. Section 59 of *The Medical Act* is repealed and the following substituted therefor: Rev. Stat., c. 225, s. 59, re-enacted.

59. All moneys forming part of the Council funds shall be paid to the Treasurer and may be applied or used in such manner as the Council may determine,—

- (a) for the carrying out of the provisions of this Act;
- (b) for any purpose which may tend to advance scientific knowledge or medical education and maintain the standards of the practice of medicine, surgery and midwifery;
- (c) for assisting in the maintenance of a fund for the benefit of needy medical practitioners in Ontario; and

(d) generally to promote the objects of the College.

Rev. Stat.,
c. 225,
amended.

19. *The Medical Act* is amended by adding thereto the following section:

Absence of
registrar-
treasurer.

61. During the absence of the registrar-treasurer by reason of illness or otherwise, the powers and duties conferred and imposed upon him by this Act shall be exercised and performed by the assistant registrar.

Short title.

20. This Act may be cited as *The Medical Amendment Act, 1946*.



BILL

An Act to amend The Medical Act.

1st Reading

March 20th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. KELLEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Act.

MR. ROBINSON (*Port Arthur*)

EXPLANATORY NOTE

This provision, which is new, is designed as an aid in preventing voters from voting for more candidates for any office than they are entitled to vote for.

No. 112

1946

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 97 of *The Municipal Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 266, s. 97,
amended.

- (3) In any municipality the form of any ballot paper may by by-law be varied by stating in respect of each office the number of candidates for such office for which the voters are entitled to vote. Power to
vary.

BILL

An Act to amend The Municipal Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. ROBINSON
(*Port Arthur*)

No. 113

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Health Act.

MR. ROBINSON (*Port Arthur*)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The provisions of this Bili relate to the board of health in cities and in towns having a population of 4,000 or over and provide that where a city or town has a board of education, the board of education shall be represented on the board of health.

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 13 of *The Public Health Act* is amended by striking out all the words after the word "and", in the fourth line and inserting in lieu thereof the following clauses:

Rev. Stat.,
c. 299, s. 13,
subs. 2,
amended.

- (a) in a city having a board of education, a member of the board of education to be appointed annually by the board of education and two resident ratepayers to be appointed annually by the council at its first meeting in each year; and
- (b) in a city not having a board of education, three resident ratepayers to be appointed annually by the council at its first meeting in each year.

so that the said subsection shall now read as follows:

- (2) In a city, and in every town having a population of 4,000 or over, according to the enumeration of the assessors for the last preceding year, the local board shall consist of the mayor, the medical officer of health, and

In cities
and towns
of 4,000
or over.

- (a) in a city having a board of education, a member of the board of education to be appointed annually by the board of education and two resident ratepayers to be appointed annually by the council at its first meeting in each year; and
- (b) in a city not having a board of education, three resident ratepayers to be appointed annually by the council at its first meeting in each year.

2. This Act may be cited as *The Public Health Amendment Act, No. 2, 1945.* Short title.

An Act to amend The Public Health Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. ROBINSON
(*Port Arthur*)

1946

No. 114

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. CARLIN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

More
favourable
conditions.

- (4) Nothing in this Act shall affect any provision of any Act, agreement or contract of service or any custom which ensures to employees more favourable conditions than those prescribed by this Act.

Less
favourable
conditions.

- (5) Any provision in any Act, agreement or contract of service or any custom which is less favourable to employees than the provisions of this Act, shall be suspended by this Act.

1944, c. 26,
ss. 5, 12,
repealed.

3. Sections 5 and 12 of *The Hours of Work and Vacations with Pay Act, 1944*, are repealed.

1944, c. 26,
s. 10, cl. b,
re-enacted.

4. Clause *b* of section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, is repealed and the following substituted therefor:

- (b) exempting from the provisions or any provision of this Act upon such terms and conditions as the Board may determine any of the employers or employees of any particular plant, upon application of the said employers or of any representative of employees for collective bargaining purposes after notice to the employer or representatives of the employees affected by such proposed exemption.

Short title.

5. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, No. 4, 1946*.

(4) protects contracts more favourable to the employee than the provisions of the Act;

(5) suspends contractual provisions less favourable to the employee than the provisions of the Act.

SECTION 3. Section 5 and Section 12 of the Act are repealed.

Section 5 makes special provision for war industries, and is now deemed to be obsolete.

Section 12 deals with conflict between the Act and other Acts. ¶ The question is more fully dealt with in the new Section 2*a*.

SECTION 4. Clause *b* of section 10 is re-enacted to provide that when any exemption is applied for both the employer and representatives of the employees must be notified.

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. CARLIN

No. 115

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Health Act.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

These amendments provide for a free medical examination for every expectant mother which may be made by any duly qualified medical practitioner to whom she applies. The examination will be paid for by the Department of Health.

No. 115

1946

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Health Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 299, s. 5,
amended.

(2l) prescribing the form of application and report and the tests to be conducted under section 74a.

Forms,
pre-natal
care.

2. *The Public Health Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 299,
amended.

74a.—(1) Every expectant mother may obtain a free medical examination upon making application in the prescribed form to a duly qualified medical practitioner.

Free medical
examination
for expectant
mothers.

(2) The medical practitioner shall make a complete physical examination and perform such tests as may be prescribed by the regulations and shall, within fourteen days of the examination, forward to the Minister a report in the form prescribed by the regulations.

Report to
Minister.

(3) Every medical practitioner who makes an examination and report in accordance with the provisions of this section shall be paid a fee of \$5 by the Minister.

Fee.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

4. This Act may be cited as *The Public Health Amendment Act, 1946*.

Short title.

An Act to amend The Public Health Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. KELLEY

No. 115

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Health Act.

MR. KELLEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 115

1946

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of *The Public Health Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 299, s. 5,
amended.

(zl) prescribing the form of application and report and the tests to be conducted under section 74a.

Forms,
pre-natal
care.

2. *The Public Health Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 299,
amended.

74a.—(1) Every expectant mother may obtain a free medical examination upon making application in the prescribed form to a duly qualified medical practitioner.

Free medical
examination
for expectant
mothers.

(2) The medical practitioner shall make a complete physical examination and perform such tests as may be prescribed by the regulations and shall, within fourteen days of the examination, forward to the Minister a report in the form prescribed by the regulations.

Report to
Minister.

(3) Every medical practitioner who makes an examination and report in accordance with the provisions of this section shall be paid a fee of \$5 by the Minister.

Fee.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

4. This Act may be cited as *The Public Health Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Public Health Act.

1st Reading

March 20th, 1946

2nd Reading

March 22nd, 1946

3rd Reading

March 27th, 1946

MR. KELLEY

1946

No. 116

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Workmen's Compensation Act.

MR. CARLIN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1 eliminates the requirement that, to be entitled to compensation a workman must be disabled for seven days from earning full wages.

SECTION 2 makes two changes with respect to temporary total disability. It increases the rate of compensation to one hundred per cent, and provides an alternative method of computing the rate of earnings on which compensation is based so as to provide for the case of a workman whose weekly earnings may have been reduced by a long period of short hours in his employment.

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Workmen's Compensation Act* is repealed. Rev. Stat., c. 204, s. 2, subs. 1, cl. *a*, repealed.

2. Section 38 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, is repealed and the following substituted therefor: Rev. Stat., c. 204, s. 38 (1942, c. 41, s. 2), re-enacted.

38. Where temporary total disability results from the injury the compensation shall be a weekly payment equal to,— Compensation in case of temporary total disability.

(*a*) the hourly rate of earnings of the employee during the week of his employment immediately preceding the injury multiplied by the number of hours of work per week agreed upon for his job in a collective bargaining contract between the employer and his employees, or in the absence of such an agreement multiplied by the maximum number of hours of employment per week prescribed by subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944*; or

(*b*) the average weekly earnings of the workman during the previous twelve months if he has been so long employed, but if not, then for any less period during which he has been in the employ of his employer,

whichever sum is the greater, and shall be payable so long as the disability lasts.

Rev. Stat.,
c. 204, s. 39
(1942,
c. 41, s. 2),
re-enacted.

3. Section 39 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, is repealed and the following substituted therefor:

Temporary
partial
disability.

39. Where temporary partial disability results from the injury, the compensation shall be the difference between the weekly payment provided for in section 38 and the average amount which the workman is earning or is able to earn in some suitable and available employment or business after the accident, and shall be payable so long as the disability lasts, and subsection 3 of section 40 shall apply.

Rev. Stat.,
c. 204, s. 40,
subs. 1, 2
(1942,
c. 41, s. 2),
re-enacted;
subs. 4, re-
pealed.

4. Subsections 1, 2 and 4 of section 40 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Act, 1942*, are repealed and the following substituted therefor:

Permanent
disability.

- (1) Where permanent disability results from the injury the Board shall award as compensation a weekly or other periodical payment equal to the difference between the weekly payment provided for in section 38 and the average amount which the workman is earning or is able to earn in some suitable and available employment or business after the accident.

Schedule of
earning
capacity.

- (2) The Board shall compile and publish a rating schedule of impairment of earning capacity for specified injuries or mutilations and the workman sustaining such injury or mutilation may elect to have his compensation payable under this section fixed in accordance with such rating schedule instead of under the provisions of subsection 1.

Short title.

5. This Act may be cited as *The Workmen's Compensation Amendment Act, No. 2, 1946*.

SECTION 3 makes the same changes with respect to compensation for temporary partial disability and provides that the employment on which potential earnings are based must be actually available to the workman.

SECTION 4 makes the same changes with respect to compensation for permanent disability, and provides that the election between compensation based on earnings after the injury and compensation based on a rating schedule shall be at the discretion of the workman rather than at the discretion of the Board.

Bill
An Act to amend the Workmen's
Compensation Act.

1st Reading

March 20th, 1946

2nd Reading

3rd Reading

MR. CARLIN

1946

No. 117

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Coroners Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The proposed amendment is the result of a resolution passed by the Toronto city council recommending that the annual salary payable by the city to the chief coroner for the City of Toronto be increased.

BILL

An Act to amend The Coroners Act. 1

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Coroners Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 138, s. 3,
subs. 4,
re-enacted.

- (4) Each of the said chief coroners shall be paid in lieu of all fees by the corporation of the city half-yearly such salary as may be fixed by the Lieutenant-Governor in Council and the corporation of the City of Toronto shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-third of such salary and the corporation of the City of Hamilton shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-half of such salary. Salary of
chief
coroner—
Toronto,
Hamilton.

2. This Act may be cited as *The Coroners Amendment Act, 1946*. Short title.

An Act to amend The Coroners Act.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Coroners Act.

MR. BLACKWELL

No. 117

1946

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 3 of *The Coroners Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 138, s. 3,
subs. 4,
re-enacted.

- (4) Each of the said chief coroners shall be paid in lieu of all fees by the corporation of the city half-yearly such salary as may be fixed by the Lieutenant-Governor in Council and the corporation of the City of Toronto shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-third of such salary and the corporation of the City of Hamilton shall be reimbursed out of the Consolidated Revenue Fund to the extent of one-half of such salary.

Salary of
chief
coroner—
Toronto,
Hamilton.

2. This Act may be cited as *The Coroners Amendment Act, 1946*.

Short title.

An Act to amend The Coroners Act.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. BLACKWELL.

No. 118

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Wolf and Bear Bounty Act, 1946.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

This Bill is primarily designed to amend *The Wolf Bounty Act* so as to provide for a bounty on bears. The particular provisions regarding wolf bounty have been placed in Part I and those regarding bears in Part II. Part III contains general provisions applicable to both wolf and bear bounty.

SECTIONS 2 to 7 re-enact in substantially the same form and wording the provisions of sections 4, 5, 6, 7, 8 (1), 9 and 10 of the present Act.

BILL

The Wolf and Bear Bounty Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion.

- (a) "Department" shall mean Department of Game and Fisheries; "Depart-
ment";
- (b) "Minister" shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; "Minister";
- (c) "provisional judicial district" shall include the provisional county of Haliburton; and "provisional
judicial
district";
- (d) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 355, s. 1, *amended*. "regula-
tions".

PART I.

WOLF BOUNTIES.

2. Where in any county a person has killed a timber or brush wolf and produces the whole skin within a period of six months after the killing before the treasurer of the county, or before a magistrate, district superintendent of game and fisheries or such officer as the Minister may designate, together with an affidavit in the prescribed form stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, the treasurer, magistrate, district superintendent or officer as aforesaid shall give to the person producing the skin, a certificate in the prescribed form. R.S.O. 1937, c. 355, s. 4, *amended*. <sup>Proof of
killing by
applicant.</sup>

3. Upon the delivery of a certificate issued under section 2 by the person named therein to the treasurer of the county, <sup>Bounties
payable
by county.</sup>

together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or a brush wolf under the age of three months. R.S.O. 1937, c. 355, s. 5; 1941, c. 63, s. 1.

Repayment
to county
by Province.

4. Upon the delivery to the Minister by the treasurer of a county of a certificate issued under section 2 completed to the satisfaction of the Minister, together with the whole skin of the wolf, the corporation of the county shall be entitled to receive forty per centum of the sum so paid, out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty. R.S.O. 1937, c. 355, s. 6, *amended*.

Proof of
killing in
provisional
judicial
district.

5.—(1) Where any timber or brush wolf has been killed in a provisional judicial district, the skin may be produced before a magistrate, a district superintendent of game and fisheries, the clerk of the district court, or such officer as the Minister may designate. R.S.O. 1937, c. 355, s. 7, *amended*.

Certificate.

(2) Upon the like proof as required in section 2, the person before whom the skin is produced may give the certificate mentioned in section 2, provided such skin is produced within a period of ten months after the killing, and upon the delivery of the certificate, duly completed, to the Minister together with the whole skin, the person named in the certificate shall be entitled to receive out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty the sum prescribed in section 3. R.S.O. 1937, c. 355, s. 8 (1); 1941, c. 63, s. 1, *amended*.

Provincial
parks.

6. Where a claim is made for the payment of bounty for any wolf killed in a provincial park, the affidavit may be taken and the certificate may be given by the superintendent of such park, or before any of the persons named in subsection 1 of section 5. R.S.O. 1937, c. 355, s. 9, *amended*.

Disposal of
skin.

7. Before payment of the bounty to the corporation of the county or directly to the person killing the wolf, the whole skin shall be delivered to the Minister or to such person or persons as the Minister may designate for the purpose, and shall become the property of the Crown, and may be disposed of in such manner as may be prescribed by the regulations. R.S.O. 1937, c. 355, s. 10, *amended*.

Penalty for
unlawful
presentation
for bounty.

8.—(1) Every person who presents or sends to the Minister for bounty, or who is a party to presenting or sending to the Minister for bounty, any wolf skin upon which the bounty has been paid, or the skin of any wolf taken or killed outside

SECTION 8 combines the provisions of sections 14 and 15 of the present Act.

SECTION 9. The provisions regarding bear bounty are to be applicable only in certain parts of Ontario and power is given to define these areas by regulation.

SECTION 10 prescribes the conditions under which a person may become entitled to a bear bounty and the procedure for making a claim.

of Ontario, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid. R.S.O. 1937, c. 355, ss. 14 (1), 15 (1); 1941, c. 63, s. 3, *amended*.

(2) Upon conviction for an offence under subsection 1 every wolf skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario, and may be disposed of in such manner as may be prescribed by the regulations. R.S.O. 1937, c. 355, ss. 14 (2), 15 (2), *amended*. ^{Forfeiture of skin.}

PART II.

BEAR BOUNTIES.

9.—(1) This part shall apply only to such portions of Ontario as are prescribed by the regulations. ^{Application.}

(2) No bounty shall be paid on bears killed in areas other than those defined in accordance with subsection 1 nor on bears killed in provincial parks, Indian Reserves or Crown Game Preserves. *New.*

10.—(1) Subject to fulfilling the conditions prescribed in this Part, where a person has killed a bear in any township of which not less than twenty-five per cent of the total area is devoted to agriculture, such person shall be entitled to a bear bounty. ^{Must be agricultural area.}

(2) Where in any such township a person kills a bear and, — ^{Proof required.}

(a) produces the whole skin thereof within a period of three weeks after the killing before a magistrate, justice of the peace, game and fisheries officer or such officer as the Minister may designate;

(b) produces to the officer an affidavit in the prescribed form stating:

(i) the place where the bear was killed,

(ii) the date when the bear was killed, and

(iii) that the bear was not kept in captivity previous to the date on which it was killed;

(c) proves to the satisfaction of the officer that the bear was killed between April 15th and November 30th in defence or preservation of live stock or property; and

- (d) proves to the satisfaction of the officer that he was at the time of the killing a *bona fide* resident of the township in which the bear was killed, and that he was not at such time a tourist-outfitter or licensed guide, rendering service in such capacity to non-residents of the township,

Certificate. the officer before whom the skin is produced shall give to the person producing it, a certificate in the prescribed form.

Marking of skin. (3) Upon the issue of the certificate, the officer before whom the whole skin is produced, shall stamp or mark the skin in the manner prescribed by the regulations and shall then return the skin to the party who killed the bear and it shall become his property. *New.*

Amount of bounty. **11.** Upon the delivery to the Minister of an affidavit and certificate mentioned in section 10 completed to the satisfaction of the Minister, the person named shall be entitled to receive out of such moneys as may be appropriated therefor by the Legislature the sum of \$10 as a bounty on a bear which is twelve months of age or over, and \$5 as a bounty on a bear under the age of twelve months. *New.*

Penalty for unlawful presentation for bounty. **12.—(1)** Every person who presents for bounty, or who is a party to presenting for bounty, any bear skin upon which the bounty has been paid, or the skin of any bear taken or killed outside the area to which this Part applies, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every bear skin so presented, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid.

Forfeiture of skin. (2) Upon conviction for an offence under subsection 1 every bear skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario and may be sold by the Minister. *New.*

PART III.

GENERAL PROVISIONS.

Payment of claims. **13.** Where the Minister is satisfied that the person who killed any wolf or bear or that the corporation of the county which has paid a wolf bounty is justly entitled to receive the bounty or to be reimbursed as provided in section 4 the Minister may make a requisition on the Treasurer of Ontario accordingly, and a cheque shall be issued in payment thereof, notwithstanding any defect in the affidavit or certificate, or any doubt as to the authority of the officer taking such affi-

SECTION 11 sets out the amount of the bounty.

SECTION 12 provides penalties for a person who attempts to obtain a bear bounty to which he is not entitled. Subsection 2 provides for forfeiture of the skin on which bounty is unlawfully claimed and provides a power of realization thereon.

SECTION 13. This is section 11 of the present Act, amended to cover the case of bear bounty. It provides for the method of payment and allows payments where there is a just entitlement but a minor defect in form or procedure.

SECTION 14 re-enacts the substance of subsection 2 of section 8 of the present Act.

SECTION 15 re-enacts the provisions of section 12 of the present Act.

SECTION 16 re-enacts the provisions of section 13 of the present Act.

SECTION 17 re-enacts the provisions of subsection 3 of section 14 of the present Act.

SECTION 18. The regulation section.

davit or giving such certificate, and in such case the Provincial Auditor shall forthwith, without further audit or examination, countersign the cheque. R.S.O. 1937, c. 355, s. 11, *amended*.

14. The decision of the Minister on all questions of the entitlement to payment of a bounty, and as to the age and classification of animals shall be final. R.S.O. 1937, c. 355, s. 8 (2), *amended*. Entitlement determined by Minister.

15. Any person authorized to give a certificate under this Act may take any affidavit required to be taken by any applicant for the purpose of obtaining such certificate. R.S.O. 1937, c. 355, s. 12. Taking affidavits.

16. Every person who, except under the authority of a permit issued by the Minister, keeps in captivity any live wolf or bear shall incur a penalty of not less than \$10 and not more than \$50, and in default of payment thereof shall be imprisoned for a term not exceeding three months unless the penalty is sooner paid. R.S.O. 1937, c. 355, s. 13, *amended*. Licence required to keep wolves or bears in captivity. Penalty.

17. Where in any action, prosecution or other proceeding under this Act, a person claims that bounty is payable in respect of a wolf or bear skin, and that such bounty has not been previously paid, the burden of proof shall be upon such person. R.S.O. 1937, c. 355, s. 14 (3), *amended*. Burden of proof.

18. The Lieutenant-Governor in Council may make regulations,— Regulations

- (a) prescribing the form and contents of certificates, affidavits, permits, and such other forms as may be required;
- (b) prescribing the fees payable for any permit or licence issued under this Act;
- (c) prescribing the manner of marking or stamping any skin on which a bounty is paid;
- (d) defining the geographical area to which Part II of the Act shall apply;
- (e) providing for the disposal of wolf skins on which bounty has been paid, and wolf or bear skins forfeited to the Crown; and
- (f) generally for the better carrying out of the provisions of this Act. *New.*

Rev. Stat.,
c. 136 to
apply.

19. *The Summary Convictions Act* shall apply to all prosecutions under this Act. R.S.O. 1937, c. 355, s. 17, *amended*.

Confirma-
tion.

20. All payments of bounty on bears heretofore made are ratified and confirmed. *New*.

Rev. Stat.,
c. 355;
1941, c. 63,
repealed.

21. *The Wolf Bounty Act* and *The Wolf Bounty Amendment Act, 1941*, are repealed.

Short title.

22. This Act may be cited as *The Wolf and Bear Bounty Act, 1946*.

SECTION 19 applies the provisions of *The Summary Convictions Act* to prosecutions.

SECTION 20. This section is self-explanatory.

BILL

The Wolf and Bear Bounty Act, 1946.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. DUNBAR

1946

No. 118

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Wolf and Bear Bounty Act, 1946.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Wolf and Bear Bounty Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion.

- (a) "Department" shall mean Department of Game and Fisheries; "Depart-
ment";
- (b) "Minister" shall mean the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council; "Minister";
- (c) "provisional judicial district" shall include the provisional county of Haliburton; and "provisional
judicial
district";
- (d) "regulations" shall mean regulations made under this Act. R.S.O. 1937, c. 355, s. 1, *amended*. "regula-
tions";

PART I.

WOLF BOUNTIES.

2. Where in any county a person has killed a timber or brush wolf and produces the whole skin within a period of six months after the killing before the treasurer of the county, or before a magistrate, district superintendent of game and fisheries or such officer as the Minister may designate, together with an affidavit in the prescribed form stating the place where and the date when the wolf was killed and that such wolf was not kept in captivity while it was under the age of three months, the treasurer, magistrate, district superintendent or officer as aforesaid shall give to the person producing the skin, a certificate in the prescribed form. R.S.O. 1937, c. 355, s. 4, *amended*. Proof of
killing by
applicant.

3. Upon the delivery of a certificate issued under section 2 by the person named therein to the treasurer of the county, Bounties
payable
by county.

together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$5 as a bounty on either a timber or a brush wolf under the age of three months. R.S.O. 1937, c. 355, s. 5; 1941, c. 63, s. 1.

Repayment
to county
by Province.

4. Upon the delivery to the Minister by the treasurer of a county of a certificate issued under section 2 completed to the satisfaction of the Minister, together with the whole skin of the wolf, the corporation of the county shall be entitled to receive forty per centum of the sum so paid, out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty. R.S.O. 1937, c. 355, s. 6, *amended*.

Proof of
killing in
provisional
judicial
district.

5.—(1) Where any timber or brush wolf has been killed in a provisional judicial district, the skin may be produced before a magistrate, a district superintendent of game and fisheries, the clerk of the district court, or such officer as the Minister may designate. R.S.O. 1937, c. 355, s. 7, *amended*.

Certificate.

(2) Upon the like proof as required in section 2, the person before whom the skin is produced may give the certificate mentioned in section 2, provided such skin is produced within a period of ten months after the killing, and upon the delivery of the certificate, duly completed, to the Minister together with the whole skin, the person named in the certificate shall be entitled to receive out of such moneys as may be appropriated by the Legislature for the payment of wolf bounty the sum prescribed in section 3. R.S.O. 1937, c. 355, s. 8 (1); 1941, c. 63, s. 1, *amended*.

Provincial
parks.

6. Where a claim is made for the payment of bounty for any wolf killed in a provincial park, the affidavit may be taken and the certificate may be given by the superintendent of such park, or before any of the persons named in subsection 1 of section 5. R.S.O. 1937, c. 355, s. 9, *amended*.

Disposal of
skin.

7. Before payment of the bounty to the corporation of the county or directly to the person killing the wolf, the whole skin shall be delivered to the Minister or to such person or persons as the Minister may designate for the purpose, and shall become the property of the Crown, and may be disposed of in such manner as may be prescribed by the regulations. R.S.O. 1937, c. 355, s. 10, *amended*.

Penalty for
unlawful
presentation
for bounty.

8.—(1) Every person who presents or sends to the Minister for bounty, or who is a party to presenting or sending to the Minister for bounty, any wolf skin upon which the bounty has been paid, or the skin of any wolf taken or killed outside

of Ontario, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every wolf skin so presented or sent, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid. R.S.O. 1937, c. 355, ss. 14 (1), 15 (1); 1941, c. 63, s. 3, *amended*.

(2) Upon conviction for an offence under subsection 1 every wolf skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario, and may be disposed of in such manner as may be prescribed by the regulations. R.S.O. 1937, c. 355, ss. 14 (2), 15 (2), *amended*. ^{Forfeiture of skin.}

PART II.

BEAR BOUNTIES.

9.—(1) This part shall apply only to such portions of Ontario as are prescribed by the regulations. ^{Application.}

(2) No bounty shall be paid on bears killed in areas other than those defined in accordance with subsection 1 nor on bears killed in provincial parks, Indian Reserves or Crown Game Preserves. *New.*

10.—(1) Subject to fulfilling the conditions prescribed in this Part, where a person has killed a bear in any township of which not less than twenty-five per cent of the total area is devoted to agriculture, such person shall be entitled to a bear bounty. ^{Must be agricultural area.}

(2) Where in any such township a person kills a bear and,— ^{Proof required.}

(a) produces the whole skin thereof within a period of three weeks after the killing before a magistrate, justice of the peace, game and fisheries officer or such officer as the Minister may designate;

(b) produces to the officer an affidavit in the prescribed form stating:

(i) the place where the bear was killed,

(ii) the date when the bear was killed, and

(iii) that the bear was not kept in captivity previous to the date on which it was killed;

(c) proves to the satisfaction of the officer that the bear was killed between April 15th and November 30th in defence or preservation of live stock or property; and

- (d) proves to the satisfaction of the officer that he was at the time of the killing a *bona fide* resident of the township in which the bear was killed, and that he was not at such time a tourist-outfitter or licensed guide, rendering service in such capacity to non-residents of the township,

Certificate. the officer before whom the skin is produced shall give to the person producing it, a certificate in the prescribed form.

Marking of skin. (3) Upon the issue of the certificate, the officer before whom the whole skin is produced, shall stamp or mark the skin in the manner prescribed by the regulations and shall then return the skin to the party who killed the bear and it shall become his property. *New.*

Amount of bounty. **11.** Upon the delivery to the Minister of an affidavit and certificate mentioned in section 10 completed to the satisfaction of the Minister, the person named shall be entitled to receive out of such moneys as may be appropriated therefor by the Legislature the sum of \$10 as a bounty on a bear which is twelve months of age or over, and \$5 as a bounty on a bear under the age of twelve months. *New.*

Penalty for unlawful presentation for bounty. **12.—(1)** Every person who presents for bounty, or who is a party to presenting for bounty, any bear skin upon which the bounty has been paid, or the skin of any bear taken or killed outside the area to which this Part applies, shall incur a penalty of not less than \$50 and not more than \$200 in respect of every bear skin so presented, and in default of payment thereof shall be imprisoned for a term not exceeding six months unless the penalty is sooner paid.

Forfeiture of skin. (2) Upon conviction for an offence under subsection 1 every bear skin in respect of which the offence was committed shall be forfeited to and become the property of the Crown in right of Ontario and may be sold by the Minister. *New.*

PART III.

GENERAL PROVISIONS.

Payment of claims. **13.** Where the Minister is satisfied that the person who killed any wolf or bear or that the corporation of the county which has paid a wolf bounty is justly entitled to receive the bounty or to be reimbursed as provided in section 4 the Minister may make a requisition on the Treasurer of Ontario accordingly, and a cheque shall be issued in payment thereof, notwithstanding any defect in the affidavit or certificate, or any doubt as to the authority of the officer taking such affi-

davit or giving such certificate, and in such case the Provincial Auditor shall forthwith, without further audit or examination, countersign the cheque. R.S.O. 1937, c. 355, s. 11, *amended*.

14. The decision of the Minister on all questions of the ^{Entitlement} entitlement to payment of a bounty, and as to the age and ^{determined} classification of animals shall be final. R.S.O. 1937, c. 355, s. 8 (2), *amended*.

15. Any person authorized to give a certificate under this ^{Taking} Act may take any affidavit required to be taken by any ^{affidavits.} applicant for the purpose of obtaining such certificate. R.S.O. 1937, c. 355, s. 12.

16. Every person who, except under the authority of a ^{Licence} permit issued by the Minister, keeps in captivity any live ^{required} wolf or bear shall incur a penalty of not less than \$10 and ^{to keep} not more than \$50, and in default of payment thereof shall ^{wolves or} be imprisoned for a term not exceeding three months unless ^{bears in} the penalty is sooner paid. R.S.O. 1937, c. 355, s. 13, ^{Penalty.} *amended*.

17. Where in any action, prosecution or other proceeding ^{Burden of} under this Act, a person claims that bounty is payable in ^{proof.} respect of a wolf or bear skin, and that such bounty has not been previously paid, the burden of proof shall be upon such person. R.S.O. 1937, c. 355, s. 14 (3), *amended*.

18. The Lieutenant-Governor in Council may make regu- ^{Regulations} lations,—

- (a) prescribing the form and contents of certificates' affidavits, permits, and such other forms as may be required;
- (b) prescribing the fees payable for any permit or licence issued under this Act;
- (c) prescribing the manner of marking or stamping any skin on which a bounty is paid;
- (d) defining the geographical area to which Part II of the Act shall apply;
- (e) providing for the disposal of wolf skins on which bounty has been paid, and wolf or bear skins forfeited to the Crown; and
- (f) generally for the better carrying out of the provisions of this Act. *New.*

Rev. Stat.,
c. 136 to
apply.

19. *The Summary Convictions Act* shall apply to all prosecutions under this Act. R.S.O. 1937, c. 355, s. 17, *amended*.

Confirma-
tion.

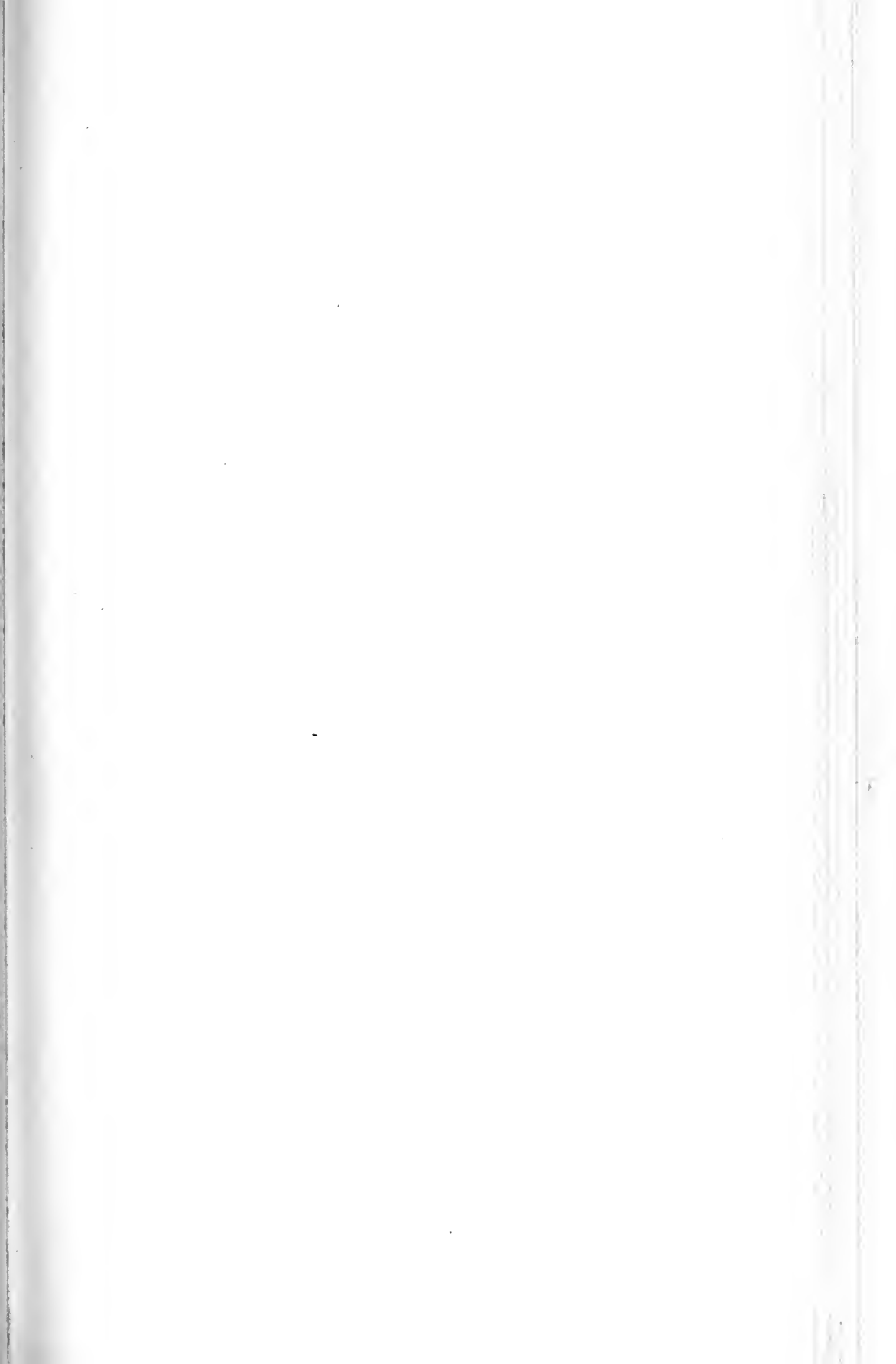
20. All payments of bounty on bears heretofore made are ratified and confirmed. *New*.

Rev. Stat.,
c. 355;
1941, c. 63,
repealed.

21. *The Wolf Bounty Act* and *The Wolf Bounty Amendment Act, 1941*, are repealed.

Short title.

22. This Act may be cited as *The Wolf and Bear Bounty Act, 1946*.



The Wolf and Bear Bounty Act, 1946.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

M.R. DUNBAR

No. 119

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mining Act.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1, 2, 4 and 5. The effect of these sections of the Bill is to remove from *The Mining Act* provisions requiring publication of certain orders. The provisions repealed are no longer necessary in view of the publication requirements of *The Regulations Act, 1944*.

SECTION 3. Rock drills powered by gasoline have recently been developed and as they accomplish approximately the same amount of work as a compressed air drill, the amendment provides an allowance for assessment work on the same basis as in the case of a compressed air drill.

SECTION 6. Consistent with a policy of appointing mining recorders on a salary basis the amendment eliminates provisions authorizing the retaining of certain fees by recorders.

No. 119

1946

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 19 of *The Mining Act* is repealed. Rev. Stat., c. 47, s. 19, subs. 2, repealed.
2. Subsection 2 of section 23 of *The Mining Act* is repealed. Rev. Stat., c. 47, s. 23, subs. 2, repealed.
3. Subsection 3 of section 78 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat., c. 47, s. 78, subs. 3, re-enacted.
 - (3) Boring by diamond or other core drill shall count Drilling. as work at the rate of one day's work for each foot of boring.
 - (3a) Work done by a compressed air drill or other power Idem. driven rock drill of a type approved by the Minister shall count as work at the rate of three days' work in respect of each man necessarily employed in operating the drill for each day of such employment.
4. Subsection 1 of section 110 of *The Mining Act* is amended Rev. Stat., c. 47, s. 110, subs. 1, amended. by striking out all the words after the word "place" in the sixth line, so that the said subsection shall now read as follows:
 - (1) The Lieutenant-Governor in Council may make Regulations as to dredging leases. regulations respecting the issue of leases authorizing the holders thereof to dredge or work in any river, stream or lake, or on lands not covered by water, for the purpose of recovering therefrom alluvial gold, platinum, precious stones or other valuable mineral not in place.
5. Subsection 3 of section 182 of *The Mining Act* is repealed. Rev. Stat., c. 47, s. 182, subs. 3, repealed.
- 6.—(1) Schedule A to *The Mining Act* is amended by Rev. Stat., c. 47, Sched. A, items 10, 11, amended. striking out the words "fee to be for recorder's own use" where they occur in items 10 and 11, so that the said items shall now read as follows:

10. For examining claim record book, per claim.10
11. For inspecting any document filed with a mining recorder.10
- Rev. Stat.,
C. 47,
Schedule A,
item 29, re-
enacted.
- (2) The said Schedule A is further amended by striking out item 29 and inserting in lieu thereof the following:
29. For every affidavit sworn before a recorder.25
- Short title. **7.** This Act may be cited as *The Mining Amendment Act, 1946.*

An Act to amend The Mining Act.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. FROST

No. 119

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mining Act.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 119

1946

BILL

An Act to amend The Mining Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 19 of *The Mining Act* is repealed. Rev. Stat.,
c. 47, s. 19,
subs. 2,
repealed.
2. Subsection 2 of section 23 of *The Mining Act* is repealed. Rev. Stat.,
c. 47, s. 23,
subs. 2, re-
pealed.
3. Subsection 3 of section 78 of *The Mining Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 47, s. 78,
subs. 3,
re-enacted.
 - (3) Boring by diamond or other core drill shall count as work at the rate of one day's work for each foot of boring. Drilling.
 - (3a) Work done by a compressed air drill or other power driven rock drill of a type approved by the Minister shall count as work at the rate of three days' work in respect of each man necessarily employed in operating the drill for each day of such employment. Idem.
4. Subsection 1 of section 110 of *The Mining Act* is amended by striking out all the words after the word "place" in the sixth line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 47, s. 110,
subs. 1,
amended.
 - (1) The Lieutenant-Governor in Council may make regulations respecting the issue of leases authorizing the holders thereof to dredge or work in any river, stream or lake, or on lands not covered by water, for the purpose of recovering therefrom alluvial gold, platinum, precious stones or other valuable mineral not in place. Regulations
as to
dredging
leases.
5. Subsection 3 of section 182 of *The Mining Act* is repealed. Rev. Stat.,
c. 47, s. 182,
subs. 3, re-
pealed.
- 6.—(1) Schedule A to *The Mining Act* is amended by striking out the words "fee to be for recorder's own use" where they occur in items 10 and 11, so that the said items shall now read as follows: Rev. Stat.,
c. 47,
Sched. A,
items 10, 11,
amended.

10. For examining claim record book, per claim.... .10

11. For inspecting any document filed with a mining recorder..... .10

Rev. Stat.,
c. 47,
Schedule A,
item 29, re-
enacted.

(2) The said Schedule A is further amended by striking out item 29 and inserting in lieu thereof the following:

29. For every affidavit sworn before a recorder.... .25

Short title.

7. This Act may be cited as *The Mining Amendment Act, 1946*.

BILL

An Act to amend The Mining Act.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 1st, 1946

MR. FROST

No. 120

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Beach Protection Act, 1946.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This Bill represents a revision and consolidation of *The Beach Protection Act* and amendments thereto. The effect of the revision is to facilitate the administration of the Act by eliminating spent provisions, clarifying other provisions and bringing the Act into line with established principles and procedure.

The revision will not effect any major differences in practices carried on under the Act but the more specific provisions authorizing the sale of sand and the making of regulations governing various administrative matters will be of benefit both to those charged with the administration of the Act and those affected by it.

No. 120

1946

BILL

The Beach Protection Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

- (a) "licence" shall mean licence issued under this Act; "licence";
- (b) "Minister" shall mean Minister of Mines; "Minister";
- (c) "regulations" shall mean regulations made under the authority of this Act; and "regulations";
- (d) "sand" shall include earth, gravel and stone. *New.* "sand".

2.—(1) The Minister may issue licences for the taking of sand from the bed, bank, beach, shore or waters of any lake, river or stream or from any bar or flat in any lake, river or stream or adjoining any channel or entrance to any lake, river or stream in accordance with the provisions of the regulations, and may suspend or cancel any licence. 1940, c. 28, s. 2; 1941, c. 7, s. 1. ^{Issue and revocation of licence.}

(2) Each licence shall be effective only in the geographical area defined therein, and shall contain such particular terms and conditions as to its operation as the Minister directs. *New.* ^{Operation of licence.}

3.—(1) No person, unless he is the holder of a licence, shall take or carry away in any boat, vessel, craft, cart, truck or other conveyance, or otherwise transport by land or water or remove by drag-line or other mechanical device, any sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 whether or not such bed, bank, beach, shore, waters, bar or flat is owned by such person. R.S.O. 1937, c. 333, s. 1 (1), *amended.* ^{Prohibition against taking sand.}

(2) Subsection 1 shall not apply to the removal of sand by Exception.

a municipality for municipal uses or by a *bona fide* resident of Ontario provided that such sand is for his personal use and not for resale or for use for commercial or industrial purposes. R.S.O. 1937, c. 333, s. 1 (3), *amended*.

Being present to remove sand.

4. Subject to subsection 2 of section 3, no person shall go upon any bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 for the purpose of removing or assisting to remove any sand therefrom except under the authority of a licence. R.S.O. 1937, c. 333, s. 2, *amended*.

Having sand unlawfully taken on vessel.

5. No person shall have on board his vessel or on a vessel in his possession or control, any sand taken contrary to the provisions of this Act. R.S.O. 1937, c. 333, s. 3, *amended*.

Issue of search warrant.

6.—(1) Where any person makes oath before a justice of the peace that he has reason to believe and does believe that sand, in respect of which a violation of the provisions of section 3, 4 or 5 has been committed, is on board any vessel, or at any place, the justice of the peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place and if any sand is found thereon or thereat, he shall seize it and the vessel, if any, in which it is contained, and shall keep them secure until final action as hereinafter provided is had thereon. R.S.O. 1937, c. 333, s. 4, *amended*.

Prosecution.

(2) The owner, master or person in possession of the vessel, or person in possession of sand shall without further information laid be summoned forthwith by the justice who issued the warrant to appear before a magistrate, and if such owner, master or person in possession fails to appear, or if it is shown to the satisfaction of the magistrate that a violation has been committed, the magistrate may convict the owner, master or person in possession. R.S.O. 1937, c. 333, s. 5, *amended*.

Removal of sand from bed of certain streams prohibited.

7.—(1) No person shall remove any sand from the bed of any river, stream or creek running between two municipalities without the consent of the councils of such municipalities and in no case shall any sand be removed from the bed of any river, stream or creek so as to injure or endanger the safety of any bridge, drainage pipe, watermain or other structure erected or laid by a municipal corporation.

Penalty.

(2) Any person who contravenes this section shall for each offence on summary conviction incur a penalty of not less than \$10 nor more than \$25. R.S.O. 1937, c. 333, s. 8, *amended*.

Removal of sand from street or road prohibited.

8.—(1) No person shall remove any sand from any street or road or from the extension of any street or road into any

river or lake without the consent of the council of the municipality in which it is situate.

(2) Any person contravening this section shall on summary conviction be liable to a penalty not exceeding \$10 for every load removed. R.S.O. 1937, c. 333, s. 10 (1, 2), *amended*. Penalty.

9.—(1) Notwithstanding anything contained in this Act, *The Beaches and River Beds Act* or any other Act, or in any regulations or order made under any of the said Acts, the Lieutenant-Governor in Council may make regulations prohibiting absolutely, or restricting subject to the terms and conditions contained therein, the taking, removing and carrying away by cart or truck, or by any boat or vessel or other water craft, or by any other vehicle or craft, of any sand from any bed, beach, shore or waters of, or adjacent to, any part of the shores of Lake Erie, Lake Ontario or Lake Huron, or from any land covered by the waters of any of the said lakes adjacent to the said shore, or from any sandbar or flat therein or adjoining any channel or entrance thereto as described in the regulations. R.S.O. 1937, c. 333, s. 9 (1), *part, amended*. Removal of sand from Lakes Erie, Ontario, Huron.
Rev. Stat., c. 334.

(2) Such prohibition or restriction shall extend to the owner, tenant or occupant of any such bed, beach, shore, sandbar or flat and to any person claiming under the authority of any municipal corporation or of any order of the Ontario Municipal Board and to every other individual and corporation. R.S.O. 1937, c. 333, s. 9 (1), *part*; 1941, c. 7, s. 2 (1), *amended*. Extent of prohibition or restriction.

(3) Every person who contravenes the prohibition or restriction contained in any such regulations shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1937, c. 333, s. 9 (2); 1941, c. 7, s. 2 (2), *amended*. Penalty.

10. Every person who violates any of the provisions of this Act or the regulations for which no other penalty is provided shall incur a penalty of not less than \$10 nor more than \$1,000 but no prosecution shall be commenced except with the consent in writing of the Attorney-General. R.S.O. 1937, c. 333, s. 7 (1), *amended*. General penalty.

11. The penalties imposed by this Act may be recovered under the provisions of *The Summary Convictions Act* and save as otherwise provided in this Act the provisions of such Act shall apply to all proceedings taken under this Act. R.S.O. 1937, c. 333, s. 11 (1). Recovery of penalties.
Rev. Stat., c. 136.

12. In addition to the method of service prescribed by *The Summary Convictions Act* any summons or other proceeding Service of proceedings.

ing may, where it is directed to a person on board any vessel, be served by leaving it, or a copy thereof, with the person who is or appears to be in charge or command of such vessel. R.S.O. 1937, c. 333, s. 11 (2).

Burden of proof.

13. In any prosecution the burden of proving the right to take any sand shall be upon the person charged with a violation of the Act. R.S.O. 1937, c. 333, s. 6, *amended*.

Royalties.

14.—(1) A person to whom a licence is issued in accordance with this Act, may be required to pay to the Crown in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence.

Amount of royalty.

(2) The amount to be charged per yard shall be fixed by the Minister according to the location, type, availability and accessibility of such land.

Security.

(3) The Minister may require a person to whom such licence is issued and by whom such sums are payable to the Crown to give security by bond satisfactory to the Minister, for the payment of such sums. *New*.

Sale of vessel, etc., for payment of penalty.

Rev. Stat., c. 136.

15.—(1) In addition to the remedies provided by *The Summary Convictions Act* for the recovery of penalties, any penalty imposed for a violation of this Act if not paid in accordance with the conviction may be levied by the sale of any vessel, conveyance, drag-line or other mechanical device involved in the commission of the offence under the warrant of the convicting magistrate.

Payment of balance to owner.

(2) Upon return being made of the sale after satisfying the penalty and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. R.S.O. 1937, c. 333, s. 7 (1, 2), *amended*.

Regulations.

16. The Lieutenant-Governor in Council may make regulations,—

- (a) providing for the issue and renewal of licences and prescribing the general terms and conditions thereof and the fees payable therefor;
- (b) prescribing the form and contents of security bonds;
- (c) prescribing such forms as may be necessary; and
- (d) generally for the better carrying out of the provisions of this Act. *New*.

17. All charges heretofore made for the removal of sand and all payments received by His Majesty in right of Ontario in respect thereof are ratified and confirmed. Confirmation.

18. *The Beach Protection Act*, section 2 of *The Statute Law Amendment Act, 1940*, and *The Beach Protection Amendment Act, 1941*, are repealed. Rev. Stat., c. 333; 1940, c. 28, s. 2; 1941, c. 7, repealed.

19. This Act may be cited as *The Beach Protection Act, 1946*. Short title.

The Beach Protection Act, 1946.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

Mr. Frost

No. 120

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Beach Protection Act, 1946.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 120

1946

BILL

The Beach Protection Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation.

- (a) "licence" shall mean licence issued under this Act; "licence";
- (b) "Minister" shall mean Minister of Mines; "Minister";
- (c) "regulations" shall mean regulations made under the authority of this Act; and "regulations";
- (d) "sand" shall include earth, gravel and stone. *New.* "sand".

2.—(1) The Minister may issue licences for the taking of sand from the bed, bank, beach, shore or waters of any lake, river or stream or from any bar or flat in any lake, river or stream or adjoining any channel or entrance to any lake, river or stream in accordance with the provisions of the regulations, and may suspend or cancel any licence. 1940, c. 28, s. 2; 1941, c. 7, s. 1. Issue and
revocation
of licence.

(2) Each licence shall be effective only in the geographical area defined therein, and shall contain such particular terms and conditions as to its operation as the Minister directs. *New.* Operation
of licence.

3.—(1) No person, unless he is the holder of a licence, shall take or carry away in any boat, vessel, craft, cart, truck or other conveyance, or otherwise transport by land or water or remove by drag-line or other mechanical device, any sand from a bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 whether or not such bed, bank, beach, shore, waters, bar or flat is owned by such person. R.S.O. 1937, c. 333, s. 1 (1), *amended.* Prohibition
against
taking sand.

(2) Subsection 1 shall not apply to the removal of sand by Exception.

a municipality for municipal uses or by a *bona fide* resident of Ontario provided that such sand is for his personal use and not for resale or for use for commercial or industrial purposes. R.S.O. 1937, c. 333, s. 1 (3), *amended*.

Being present to remove sand.

4. Subject to subsection 2 of section 3, no person shall go upon any bed, bank, beach, shore, waters, bar or flat mentioned in subsection 1 of section 2 for the purpose of removing or assisting to remove any sand therefrom except under the authority of a licence. R.S.O. 1937, c. 333, s. 2, *amended*.

Having sand unlawfully taken on vessel.

5. No person shall have on board his vessel or on a vessel in his possession or control, any sand taken contrary to the provisions of this Act. R.S.O. 1937, c. 333, s. 3, *amended*.

Issue of search warrant.

6.—(1) Where any person makes oath before a justice of the peace that he has reason to believe and does believe that sand, in respect of which a violation of the provisions of section 3, 4 or 5 has been committed, is on board any vessel, or at any place, the justice of the peace shall issue a search warrant directed to any sheriff, police officer, constable or bailiff, who shall forthwith proceed to search the vessel or place and if any sand is found thereon or thereat, he shall seize it and the vessel, if any, in which it is contained, and shall keep them secure until final action as hereinafter provided is had thereon. R.S.O. 1937, c. 333, s. 4, *amended*.

Prosecution.

(2) The owner, master or person in possession of the vessel, or person in possession of sand shall without further information laid be summoned forthwith by the justice who issued the warrant to appear before a magistrate, and if such owner, master or person in possession fails to appear, or if it is shown to the satisfaction of the magistrate that a violation has been committed, the magistrate may convict the owner, master or person in possession. R.S.O. 1937, c. 333, s. 5, *amended*.

Removal of sand from bed of certain streams prohibited.

7.—(1) No person shall remove any sand from the bed of any river, stream or creek running between two municipalities without the consent of the councils of such municipalities and in no case shall any sand be removed from the bed of any river, stream or creek so as to injure or endanger the safety of any bridge, drainage pipe, watermain or other structure erected or laid by a municipal corporation.

Penalty.

(2) Any person who contravenes this section shall for each offence on summary conviction incur a penalty of not less than \$10 nor more than \$25. R.S.O. 1937, c. 333, s. 8, *amended*.

Removal of sand from street or road prohibited.

8.—(1) No person shall remove any sand from any street or road or from the extension of any street or road into any

river or lake without the consent of the council of the municipality in which it is situate.

(2) Any person contravening this section shall on summary ^{Penalty.} conviction be liable to a penalty not exceeding \$10 for every load removed. R.S.O. 1937, c. 333, s. 10 (1, 2), *amended*.

9.—(1) Notwithstanding anything contained in this Act, ^{Removal of sand from Lakes Erie, Ontario, Huron.} *The Beaches and River Beds Act* or any other Act, or in any regulations or order made under any of the said Acts, the Lieutenant-Governor in Council may make regulations prohibiting absolutely, or restricting subject to the terms and conditions contained therein, the taking, removing and carrying away by cart or truck, or by any boat or vessel or other water craft, or by any other vehicle or craft, of any sand from any bed, beach, shore or waters of, or adjacent to, any part of the shores of Lake Erie, Lake Ontario or Lake Huron, or from any land covered by the waters of any of the said lakes adjacent to the said shore, or from any sandbar or flat therein or adjoining any channel or entrance thereto as described in the regulations. R.S.O. 1937, c. 333, s. 9 (1), *part, amended*. ^{Rev. Stat., c. 334.}

(2) Such prohibition or restriction shall extend to the ^{Extent of prohibition or restriction.} owner, tenant or occupant of any such bed, beach, shore, sandbar or flat and to any person claiming under the authority of any municipal corporation or of any order of the Ontario Municipal Board and to every other individual and corporation. R.S.O. 1937, c. 333, s. 9 (1), *part*; 1941, c. 7, s. 2 (1), *amended*.

(3) Every person who contravenes the prohibition or re- ^{Penalty.} striction contained in any such regulations shall incur a penalty of not less than \$10 nor more than \$100. R.S.O. 1937, c. 333, s. 9 (2); 1941, c. 7, s. 2 (2), *amended*.

10. Every person who violates any of the provisions of ^{General penalty.} this Act or the regulations for which no other penalty is provided shall incur a penalty of not less than \$10 nor more than \$1,000 but no prosecution shall be commenced except with the consent in writing of the Attorney-General. R.S.O. 1937, c. 333, s. 7 (1), *amended*.

11. The penalties imposed by this Act may be recovered ^{Recovery of penalties.} under the provisions of *The Summary Convictions Act* and ^{Rev. Stat., c. 136.} save as otherwise provided in this Act the provisions of such Act shall apply to all proceedings taken under this Act. R.S.O. 1937, c. 333, s. 11 (1).

12. In addition to the method of service prescribed by ^{Service of proceedings.} *The Summary Convictions Act* any summons or other proceed-

ing may, where it is directed to a person on board any vessel, be served by leaving it, or a copy thereof, with the person who is or appears to be in charge or command of such vessel. R.S.O. 1937, c. 333, s. 11 (2).

Burden of proof.

13. In any prosecution the burden of proving the right to take any sand shall be upon the person charged with a violation of the Act. R.S.O. 1937, c. 333, s. 6, *amended*.

Royalties.

14.—(1) A person to whom a licence is issued in accordance with this Act, may be required to pay to the Crown in addition to his licence fee, a fixed sum for every yard of sand removed under the authority of the licence.

Amount of royalty.

(2) The amount to be charged per yard shall be fixed by the Minister according to the location, type, availability and accessibility of such land.

Security.

(3) The Minister may require a person to whom such licence is issued and by whom such sums are payable to the Crown to give security by bond satisfactory to the Minister, for the payment of such sums. *New*.

Sale of vessel, etc., for payment of penalty.

Rev. Stat., c. 136.

15.—(1) In addition to the remedies provided by *The Summary Convictions Act* for the recovery of penalties, any penalty imposed for a violation of this Act if not paid in accordance with the conviction may be levied by the sale of any vessel, conveyance, drag-line or other mechanical device involved in the commission of the offence under the warrant of the convicting magistrate.

Payment of balance to owner.

(2) Upon return being made of the sale after satisfying the penalty and the costs of the sale, the overplus, if any, shall be paid to the owner of the vessel. R.S.O. 1937, c. 333, s. 7 (1, 2), *amended*.

Regulations.

16. The Lieutenant-Governor in Council may make regulations,—

- (a) providing for the issue and renewal of licences and prescribing the general terms and conditions thereof and the fees payable therefor;
- (b) prescribing the form and contents of security bonds;
- (c) prescribing such forms as may be necessary; and
- (d) generally for the better carrying out of the provisions of this Act. *New*.

17. All charges heretofore made for the removal of sand and all payments received by His Majesty in right of Ontario in respect thereof are ratified and confirmed. Confirmation.

18. *The Beach Protection Act*, section 2 of *The Statute Law Amendment Act, 1940*, and *The Beach Protection Amendment Act, 1941*, are repealed. Rev. Stat., c. 333; 1940, c. 28, s. 2; 1941, c. 7, repealed.

19. This Act may be cited as *The Beach Protection Act*, Short title. 1946.

The Beach Protection Act, 1946.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 1st, 1946

MR. FROST

No. 121

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. This amendment extends the provisions of subsection 3 of section 10 of the Act so that clearance lamps, identification lamps and side marker lamps need not be displayed when a motor vehicle is parked on that portion of the highway referred to in subsection 3.

Subsection 2. To remove doubts the amendment specifically forbids the display of a red light on the front of a motor vehicle other than those enumerated.

SECTION 2. Many right hand drive vehicles are now being disposed of by the army for civilian use. The requirements of the section are in line with the practice followed while such vehicles were being used by the forces.

No. 121

1946

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* as enacted by section 1 of *The Highway Traffic Amendment Act, 1943*, is amended by striking out the word and figure "subsection 1" in the third line and inserting in lieu thereof the words, figures and letters "subsections 1, 5, 5a and 5b", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 3
(1943, c. 10,
s. 1),
amended.

- (3) The provisions of subsection 2 shall not apply to a motor vehicle parked on a highway and the provisions of subsections 1, 5, 5a and 5b shall not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than thirty miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions such vehicle is clearly discernible within a distance of 200 feet.

Lighted
streets.

(2) Subsection 7 of the said section 10 is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 10,
subs. 7,
re-enacted.

- (7) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp which casts a red light.

Red light
in front.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 288,
amended.

- 10a.** Every vehicle which is equipped with a right hand drive shall have prominently displayed on the rear

Vehicles
with right
hand drive.

thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—

"RIGHT HAND DRIVE VEHICLE".

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

3.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding at the commencement thereof the words "Subject to the provisions of subsection 2", so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

(1) Subject to the provisions of subsection 2, no motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour, but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 26 is repealed and the following substituted therefor:

Speed limit,

(2) No motor vehicle shall be driven,—

Rev. Stat.,
c. 56.

(a) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway pursuant to the provisions of *The Highway Improvement Act*; or

(b) upon any highway outside of a city, town or village,

over level
crossing.

at a greater rate of speed than fifty miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour.

Rev. Stat.,
c. 288, s. 35,
amended.

4.—(1) Section 35 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Surrender
of permit.

(2a) The provisions of subsection 2 shall not apply when a permit has been surrendered for transfer of registration or whenever such surrender is required by law.

SECTION 3—Subsection 1. This amendment is necessary owing to the re-enactment of subsection 2 of section 26.

Subsection 2. The speed limit of fifty miles per hour is extended to those portions of a controlled access highway, such as the Queen Elizabeth Highway, passing through cities, towns or villages.

SECTION 4—Subsection 1. Production of permit is not required when such permit has been delivered to the Department for transfer of registration or renewal or other purposes.

Subsection 2. Subsections 3, 4 and 5 referred to place a weight limit on loads during the months of March and April.

Subsection 3. The repealed provision is obsolete.

SECTION 5. Prohibits the parking of vehicles on a highway where traffic or snow clearing is obstructed and permits a constable or other authorized person to remove and store a vehicle which is parked in violation of a municipal by-law or in a manner which interferes with snow removal.

SECTION 6. The section renders the owner of a vehicle liable to the penalties provided for a violation of the Act or the regulations. The amendment extends the same principle to violations of municipal by-laws.

(2) Subsection 8 of the said section 35 is amended by inserting after the word "Department" in the second line the words "and highways in territory without municipal organization", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 35,
subs. 8,
amended.

(8) In the case of highways under the jurisdiction of the Department and highways in territory without municipal organization, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 3, 4 and 5 to extend and apply during any period of the year.

Extension
of period
by Lieu-
tenant-
Governor
in Council.

(3) Subsection 9 of the said section 35 is repealed.

Rev. Stat.,
c. 288, s. 35,
subs. 9,
repealed.

5. Section 40 of *The Highway Traffic Act* as amended by section 9 of *The Highway Traffic Amendment Act, 1938*, and section 11 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 288, s. 40,
amended.

(7) Notwithstanding the provisions of this section no person shall park or leave standing any vehicle whether attended or unattended upon the travelled portion of any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway.

Vehicles
interfering
with traffic.

(8) A constable or an officer appointed for the carrying out of the provisions of this Act upon discovery of any vehicle parked or left in contravention of subsection 7 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon such vehicle and may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Powers of
constable
to remove
vehicle.

Rev. Stat.,
c. 200.

6. Section 46 of *The Highway Traffic Act* is amended by inserting after the word "Council" in the third line the words "or of any municipal by-law for regulating traffic approved by the Department", so that the said section shall now read as follows:

Rev. Stat.,
c. 288, s. 46,
amended.

46. The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of such violation the motor vehicle was in the

Motor
owner and
driver
liable for
penalties.

possession of some person other than the owner or his chauffeur, without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

Rev. Stat.,
c. 288, s. 56,
amended.

7. Section 56 of *The Highway Traffic Act* as amended by section 10 of *The Highway Traffic Amendment Act, 1938*, section 10 of *The Highway Traffic Amendment Act, 1939*, and section 8 of *The Highway Traffic Amendment Act, 1943*, is further amended by adding thereto the following subsections:

Seizure, etc.,
of vehicle
upon con-
viction of
certain
offences.

Rev. Stat.,
c. 136.

- (1b) Where proceedings are taken under *The Summary Convictions Act* in respect of any of the offences under this Act mentioned in subsection 1, conviction of which will cause the seizure, impounding and taking into the custody of the law of the motor vehicle driven by or under the care or control of the person charged with the offence,—

(a) it shall clearly state upon the summons; or

(b) in the event that a summons is not issued, the magistrate shall before accepting the plea state to the person charged with the offence,

that in the event of conviction the motor vehicle which was driven by him or under his care or control at the time of the commission of the offence shall be seized and impounded and taken into the custody of the law for a period of three months.

Application
of sub-
section 1.

- (1c) Where the provisions of subsection 1b are not complied with, subsection 1 shall not apply but the validity of the conviction shall not thereby be affected.

Rev. Stat.,
c. 288, s. 64,
subs. 2,
amended.

8. Subsection 2 of section 64 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and shall be *prima facie* evidence of the facts contained therein", so that the said subsection shall now read as follows:

Evidence.

- (2) A copy of any writing, paper or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or the Registrar under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature and shall be *prima facie* evidence of the facts contained therein.

SECTION 7. Section 56 of *The Highway Traffic Act* provides that upon conviction of certain offences the motor vehicle involved in the offence shall be seized, impounded and taken into the custody of the law for three months. The proposed subsection 1*b* ensures that the person charged with the offence will know of these eventualities before pleading guilty to the charge. The proposed subsection 1*c* is self explanatory.

SECTION 8. The amendment makes certified copies *prima facie* evidence in a proceeding and obviates the necessity of having a representative of the Department attend court to prove such certified copies.

SECTION 9. Subsection 1 of section 78 of *The Highway Traffic Act* provides that upon conviction of certain offences the driver's licence and owner's permit of the person convicted shall be forthwith suspended by the Minister until he has furnished satisfactory proof of financial responsibility. In order to prevent people pleading guilty to any of such charges without knowing the consequences of such a plea as indicated above, the proposed subsection 1*a* ensures that any person charged with any such offence will have notice that suspension will follow. Subsection 1*b* is self explanatory.

SECTION 10. The purpose of the amendment is to bring the provision into line with the scheme of *The Regulations Act, 1944*.

SECTION 11. The section repealed, which was first enacted in 1930, provides for the making of regulations classifying drivers of motor vehicles. It has never been used and since its enactment experience in the United States with similar provisions has indicated that the principle embodied in it is not a practical one.

9. Section 78 of *The Highway Traffic Act* as amended by Rev. Stat., c. 288, s. 78, section 17 of *The Highway Traffic Amendment Act, 1938*, section 12 of *The Highway Traffic Amendment Act, 1939*, and section 16 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsections:

(1a) Where proceedings are taken under *The Summary Convictions Act* in respect of any of the offences under this Act which are mentioned in subsection 1,— Suspension of license and permit upon conviction of certain offences.

(a) it shall be clearly stated upon the summons; or

(b) in the event that a summons is not issued, the magistrate shall before accepting the plea state to the person charged with the offence, Rev. Stat., c. 136.

that in the event of conviction the driver's license and owner's permit of the person convicted shall be forthwith suspended by the Minister pursuant to subsection 1.

(1b) Where the provisions of subsection 1a are not complied with, subsection 1 shall not apply but the validity of the conviction shall not thereby be affected. Application of sub-section 1.

10. Subsection 2 of section 79 of *The Highway Traffic Act* is amended by striking out the words "by proclamation" in the sixth line, so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 79, subs. 2, amended.

(2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state. Reciprocal effect of subs. 1 with states having similar legislation.

11. Section 97 of *The Highway Traffic Act* is repealed.

Rev. Stat., c. 288, s. 97, repealed.

12.—(1) This Act, except subsection 2 of section 4, shall come into force on the 1st day of July, 1946. Commencement of Act.

(2) Subsection 2 of section 4 shall come into force on the day upon which this Act receives the Royal Assent. Commencement of s. 4, subs. 2.

13. This Act may be cited as *The Highway Traffic Amendment Act, 1946*. Short title.

An Act to amend The Highway Traffic
Act.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. DOUCETT

No. 121

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANTORY NOTES

SECTION 1—Subsection 1. This amendment extends the provisions of subsection 3 of section 10 of the Act so that clearance lamps, identification lamps and side marker lamps need not be displayed when a motor vehicle is parked on that portion of the highway referred to in subsection 3.

Subsection 2. To remove doubts the amendment specifically forbids the display of a red light on the front of a motor vehicle other than those enumerated.

SECTION 2. Many right hand drive vehicles are now being disposed of by the army for civilian use. The requirements of the section are in line with the practice followed while such vehicles were being used by the forces.

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* as enacted by section 1 of *The Highway Traffic Amendment Act, 1943*, is amended by striking out the word and figure “subsection 1” in the third line and inserting in lieu thereof the words, figures and letters “subsections 1, 5, 5a and 5b”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 3
(1943, c. 10,
s. 1),
amended.

(3) The provisions of subsection 2 shall not apply to a motor vehicle parked on a highway and the provisions of subsections 1, 5, 5a and 5b shall not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than thirty miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions such vehicle is clearly discernible within a distance of 200 feet.

Lighted
streets.

(2) Subsection 7 of the said section 10 is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 10,
subs. 7,
re-enacted.

(7) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp which casts a red light.

Red light
in front.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 288,
amended.

10a. Every vehicle which is equipped with a right hand drive shall have prominently displayed on the rear

Vehicles
with right
hand drive.

thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—

“RIGHT HAND DRIVE VEHICLE”.

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

3.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding at the commencement thereof the words “Subject to the provisions of subsection 2”, so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

(1) Subject to the provisions of subsection 2, no motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour, but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 26 is repealed and the following substituted therefor:

Speed limit,

(2) No motor vehicle shall be driven,—

Rev. Stat.,
c. 56.

(a) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway pursuant to the provisions of *The Highway Improvement Act*; or

(b) upon any highway outside of a city, town or village,

over level
crossing.

at a greater rate of speed than fifty miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour.

Rev. Stat.,
c. 288, s. 35,
amended.

4.—(1) Section 35 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Surrender
of permit.

(2a) The provisions of subsection 2 shall not apply when a permit has been surrendered for transfer of registration or whenever such surrender is required by law.

SECTION 3—Subsection 1. This amendment is necessary owing to the re-enactment of subsection 2 of section 26.

Subsection 2. The speed limit of fifty miles per hour is extended to those portions of a controlled access highway, such as the Queen Elizabeth Highway, passing through cities, towns or villages.

SECTION 4—Subsection 1. Production of permit is not required when such permit has been delivered to the Department for transfer of registration or renewal or other purposes.

Subsection 2. Subsections 3, 4 and 5 referred to place a weight limit on loads during the months of March and April.

Subsection 3. The repealed provision is obsolete.

SECTION 5. Prohibits the parking of vehicles on a highway where traffic or snow clearing is obstructed and permits a constable or other authorized person to remove and store a vehicle which is parked in violation of a municipal by-law or in a manner which interferes with snow removal.

SECTION 6. The section renders the owner of a vehicle liable to the penalties provided for a violation of the Act or the regulations. The amendment extends the same principle to violations of municipal by-laws.

(2) Subsection 8 of the said section 35 is amended by inserting after the word "Department" in the second line the words "and highways in territory without municipal organization", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 35,
subs. 8,
amended.

- (8) In the case of highways under the jurisdiction of the Department and highways in territory without municipal organization, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 3, 4 and 5 to extend and apply during any period of the year.

Extension
of period
by Lieu-
tenant-
Governor
in Council.

- (3) Subsection 9 of the said section 35 is repealed.

Rev. Stat.,
c. 288, s. 35,
subs. 9,
repealed.

5. Section 40 of *The Highway Traffic Act* as amended by section 9 of *The Highway Traffic Amendment Act, 1938*, and section 11 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Rev. Stat.,
c. 288, s. 40,
amended.

- (7) Notwithstanding the provisions of this section no person shall park or leave standing any vehicle whether attended or unattended upon the travelled portion of any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway.

Vehicles
interfering
with traffic.

- (8) A constable or an officer appointed for the carrying out of the provisions of this Act upon discovery of any vehicle parked or left in contravention of subsection 7 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon such vehicle and may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

Powers of
constable
to remove
vehicle.

Rev. Stat.,
c. 200.

6. Section 46 of *The Highway Traffic Act* is amended by inserting after the word "Council" in the third line the words "or of any municipal by-law for regulating traffic approved by the Department", so that the said section shall now read as follows:

Rev. Stat.,
c. 288, s. 46,
amended.

46. The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of such violation the motor vehicle was in the

Motor
owner and
driver
liable for
penalties.

possession of some person other than the owner or his chauffeur, without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

Rev. Stat.,
c. 288, s. 56,
amended.

7. Section 56 of *The Highway Traffic Act* as amended by section 10 of *The Highway Traffic Amendment Act, 1938*, section 10 of *The Highway Traffic Amendment Act, 1939*, and section 8 of *The Highway Traffic Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Seizure,
etc., of
vehicle upon
conviction
of certain
offences.

(1b) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless such person has been given notice,—

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law."

Rev. Stat.,
c. 288, s. 64,
subs. 2,
amended.

8. Subsection 2 of section 64 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and shall be *prima facie* evidence of the facts contained therein", so that the said subsection shall now read as follows:

Evidence.

(2) A copy of any writing, paper or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or the Registrar under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature and shall be *prima facie* evidence of the facts contained therein.

Rev. Stat.,
c. 288, s. 78,
amended.

9. Section 78 of *The Highway Traffic Act* as amended by section 17 of *The Highway Traffic Amendment Act, 1938*, section 12 of *The Highway Traffic Amendment Act, 1939*, and section 16 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

SECTION 7. Section 56 of *The Highway Traffic Act* provides that upon conviction of certain offences the motor vehicle involved in the offence shall be seized, impounded and taken into the custody of the law for three months. The proposed subsection 1*b* ensures that the person charged with the offence will know of these eventualities before pleading guilty to the charge. The proposed subsection 1*c* is self explanatory.

SECTION 8. The amendment makes certified copies *prima facie* evidence in a proceeding and obviates the necessity of having a representative of the Department attend court to prove such certified copies.

SECTION 9. Subsection 1 of section 78 of *The Highway Traffic Act* provides that upon conviction of certain offences the driver's licence and owner's permit of the person convicted shall be forthwith suspended by the Minister until he has furnished satisfactory proof of financial responsibility. In order to prevent people pleading guilty to any of such charges without knowing the consequences of such a plea as indicated above, the proposed subsection 1*a* ensures that any person charged with any such offence will have notice that suspension will follow. Subsection 1*b* is self explanatory.

SECTION 10. The purpose of the amendment is to bring the provision into line with the scheme of *The Regulations Act, 1944*.

SECTION 11. The section repealed, which was first enacted in 1930, provides for the making of regulations classifying drivers of motor vehicles. It has never been used and since its enactment experience in the United States with similar provisions has indicated that the principle embodied in it is not a practical one.

- (1a) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless such person has been given notice,—
- Suspension of licence and permit upon conviction of certain offences.

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's license and owner's permit shall be forthwith suspended by the Minister of Highways."

10. Subsection 2 of section 79 of *The Highway Traffic Act* is amended by striking out the words "by proclamation" in the sixth line, so that the said subsection shall now read as follows:

Rev. Stat., c. 288, s. 79, subs. 2, amended.

- (2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state.
- Reciprocal effect of subs. 1 with states having similar legislation.

11. Section 97 of *The Highway Traffic Act* is repealed.

Rev. Stat., c. 288, s. 97, repealed.

12.—(1) This Act, except subsection 2 of section 4, shall come into force on the 1st day of July, 1946.

Commencement of Act.

(2) Subsection 2 of section 4 shall come into force on the day upon which this Act receives the Royal Assent.

Commencement of s. 4, subs. 2.

13. This Act may be cited as *The Highway Traffic Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Highway Traffic Act.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

MR. DOUCETT

(Reprinted as amended in Committee of the Whole House.)

No. 121

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Highway Traffic Act.

MR. DOUCETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Highway Traffic Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 10 of *The Highway Traffic Act* as enacted by section 1 of *The Highway Traffic Amendment Act, 1943*, is amended by striking out the word and figure “subsection 1” in the third line and inserting in lieu thereof the words, figures and letters “subsections 1, 5, 5a and 5b”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 10,
subs. 3
(1943, c. 10,
s. 1),
amended.

- (3) The provisions of subsection 2 shall not apply to a motor vehicle parked on a highway and the provisions of subsections 1, 5, 5a and 5b shall not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than thirty miles per hour and which is so lighted by the means of any system of street or highway lighting that under normal atmospheric conditions such vehicle is clearly discernible within a distance of 200 feet.

Lighted
streets.

(2) Subsection 7 of the said section 10 is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 10,
subs. 7,
re-enacted.

- (7) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp which casts a red light.

Red light
in front.

2. *The Highway Traffic Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 288,
amended.

- 10a. Every vehicle which is equipped with a right hand drive shall have prominently displayed on the rear

Vehicles
with right
hand drive.

thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—

“RIGHT HAND DRIVE VEHICLE”.

Rev. Stat.,
c. 288, s. 26,
subs. 1,
amended.

3.—(1) Subsection 1 of section 26 of *The Highway Traffic Act* as amended by subsection 1 of section 5 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding at the commencement thereof the words “Subject to the provisions of subsection 2”, so that the said subsection shall now read as follows:

Rate of
speed within
city, town
or village.

(1) Subject to the provisions of subsection 2, no motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour, but the council of a city, town or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose.

Rev. Stat.,
c. 288, s. 26,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 26 is repealed and the following substituted therefor:

Speed limit.

(2) No motor vehicle shall be driven,—

Rev. Stat.,
c. 56.

(a) upon a highway designated by the Lieutenant-Governor in Council as a controlled access highway pursuant to the provisions of *The Highway Improvement Act*; or

(b) upon any highway outside of a city, town or village,

over level
crossing.

at a greater rate of speed than fifty miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour.

Rev. Stat.,
c. 288, s. 35,
amended.

4.—(1) Section 35 of *The Highway Traffic Act*, as amended by section 8 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

Surrender
of permit.

(2a) The provisions of subsection 2 shall not apply when a permit has been surrendered for transfer of registration or whenever such surrender is required by law.

(2) Subsection 8 of the said section 35 is amended by inserting after the word "Department" in the second line the words "and highways in territory without municipal organization", so that the said subsection shall now read as follows: Rev. Stat., c. 288, s. 35, subs. 8, amended.

(8) In the case of highways under the jurisdiction of the Department and highways in territory without municipal organization, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 3, 4 and 5 to extend and apply during any period of the year. Extension of period by Lieutenant-Governor in Council.

(3) Subsection 9 of the said section 35 is repealed. Rev. Stat., c. 288, s. 35, subs. 9, repealed.

5. Section 40 of *The Highway Traffic Act* as amended by section 9 of *The Highway Traffic Amendment Act, 1938*, and section 11 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsections: Rev. Stat., c. 288, s. 40, amended.

(7) Notwithstanding the provisions of this section no person shall park or leave standing any vehicle whether attended or unattended upon the travelled portion of any highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from such highway. Vehicles interfering with traffic.

(8) A constable or an officer appointed for the carrying out of the provisions of this Act upon discovery of any vehicle parked or left in contravention of subsection 7 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, shall be a lien upon such vehicle and may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*. Powers of constable to remove vehicle. Rev. Stat., c. 200.

6. Section 46 of *The Highway Traffic Act* is amended by inserting after the word "Council" in the third line the words "or of any municipal by-law for regulating traffic approved by the Department", so that the said section shall now read as follows: Rev. Stat., c. 288, s. 46, amended.

46. The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of such violation the motor vehicle was in the Motor owner and driver liable for penalties.

possession of some person other than the owner or his chauffeur, without the owner's consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation.

Rev. Stat.,
c. 288, s. 56,
amended.

7. Section 56 of *The Highway Traffic Act* as amended by section 10 of *The Highway Traffic Amendment Act, 1938*, section 10 of *The Highway Traffic Amendment Act, 1939*, and section 8 of *The Highway Traffic Amendment Act, 1943*, is further amended by adding thereto the following subsection:

Seizure,
etc., of
vehicle upon
conviction
of certain
offences.

(1b) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless such person has been given notice,—

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law."

Rev. Stat.,
c. 288, s. 64,
subs. 2,
amended.

8. Subsection 2 of section 64 of *The Highway Traffic Act* is amended by adding at the end thereof the words "and shall be *prima facie* evidence of the facts contained therein", so that the said subsection shall now read as follows:

Evidence.

(2) A copy of any writing, paper or document filed in the Department pursuant to this Act purporting to be certified by the Deputy Minister or the Registrar under the seal of the Department as a true copy shall be received in evidence in all courts without proof of the seal or signature and shall be *prima facie* evidence of the facts contained therein.

Rev. Stat.,
c. 288, s. 78,
amended.

9. Section 78 of *The Highway Traffic Act* as amended by section 17 of *The Highway Traffic Amendment Act, 1938*, section 12 of *The Highway Traffic Amendment Act, 1939*, and section 16 of *The Highway Traffic Amendment Act, 1941*, is further amended by adding thereto the following subsection:

- (1a) Where a person pleads guilty to any of the offences mentioned in subsection 1 the provisions of subsection 1 shall not apply unless such person has been given notice,—
- Suspension
of licence
and permit
upon con-
viction of
certain
offences.

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

“The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver’s license and owner’s permit shall be forthwith suspended by the Minister of Highways.”

10. Subsection 2 of section 79 of *The Highway Traffic Act* is amended by striking out the words “by proclamation” in the sixth line, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 288, s. 79,
amended.

- (2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state.
- Reciprocal
effect of
subs. 1 with
states having
similar
legislation.

11. Section 97 of *The Highway Traffic Act* is repealed.

Rev. Stat.,
c. 288, s. 97,
repealed.

12.—(1) This Act, except subsection 2 of section 4, shall come into force on the 1st day of July, 1946.

Commence-
ment of Act.

(2) Subsection 2 of section 4 shall come into force on the day upon which this Act receives the Royal Assent.

Commence-
ment of
s. 4, subs. 2.

13. This Act may be cited as *The Highway Traffic Amendment Act, 1946*.

Short title.

An Act to amend The Highway Traffic
Act.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. DOUCETT

No. 122

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Barristers Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The effect of the new provision is self-explanatory. It replaces the provisions of *The Barristers Act* which relate to the appointment of King's Counsel but which have never been proclaimed in force.

No. 122

1946

BILL

An Act to amend The Barristers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Barristers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 222, s. 6
re-enacted..

6. The disbarment of a barrister who holds an appointment as one of His Majesty's Counsel Learned in the Law shall have the effect of revoking such appointment.

2. This Act may be cited as *The Barristers Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Barristers Act.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 122

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6. The disbarment of a barrister who holds an appointment as one of His Majesty's Counsel Learned in the Law shall have the effect of revoking such appointment.

2. This Act may be cited as *The Barristers Amendment Act, 1946.* Short title.

An Act to amend The Barristers Act.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. BLACKWELL.

No. 123

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Teachers' Boards of Reference Act, 1946.

MR. DREW

EXPLANATORY NOTES

This is a consolidation and revision of *The Teachers' Boards of Reference Act, 1938*, as amended in 1943. The numerous amendments of 1943 together with the further proposed amendments render a consolidation desirable.

The principal effect of the new amendments incorporated in the Bill are the provisions for a board of three members (see section 4, subsection 2) and the restriction imposed upon a teacher who has terminated an engagement in a manner not agreeable to the Board employing her (see section 3, subsection 2).

The requirement that meetings of a board of reference shall be held *in camera* is new (section 6, subsection 2) and the revision of the provisions relating to costs (as contained in sections 11 and 12) effects a much needed clarification. The fifteen day period prescribed in subsection 2 of section 2 replaces the twenty day period in the corresponding provision of the present Act.

BILL

The Teachers' Boards of Reference Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "board" shall have the same meaning as in *The "board"; Teachers' and Inspectors' Superannuation Act, 1946;* ^{1946, c. —.}
- (b) "employed" shall have the same meaning as in *The "employed"; Teachers' and Inspectors' Superannuation Act, 1946;*
- (c) "judge" shall mean judge of a county or district "judge"; court;
- (d) "Minister" shall mean Minister of Education; and "Minister";
- (e) "teacher" shall have the same meaning as in *The "teacher". Teachers' and Inspectors' Superannuation Act, 1946.* 1938, c. 42, s. 2; 1943, c. 26, s. 20, *amended*.

2.—(1) Every dismissal or termination of employment of a ^{Termination of em-} teacher by a board shall be by notice in writing which shall ^{ployment.} indicate the reasons for such dismissal or termination. 1943, c. 26, s. 21 (2), *amended*.

(2) Notwithstanding anything contained in any other Act, ^{Application for board of reference.} where a teacher employed by a board is dismissed or the engagement of such teacher is terminated by the teacher or the board in a manner not mutually agreeable, such teacher or board may at any time within fifteen days of receiving the notice of such dismissal or termination, apply in writing to the Minister for a board of reference, setting forth in such application the nature of the dispute. 1938, c. 42, s. 3 (1); 1943, c. 26, s. 21 (1), *amended*.

(3) The applicant shall forthwith cause a copy of the appli- ^{Service of notice.} cation to be served by personal service or by prepaid registered post upon the other party to the dispute. *New.*

3.—(1) A board shall not make a permanent appointment ^{Appoint-ment in place of teacher dismissed.} in place of a teacher who is dismissed or whose appointment

has been terminated in a manner not agreeable to the teacher until,—

- (a) the time prescribed for applying for a board of reference has elapsed;
- (b) notice in writing has been received from the teacher that no application will be made under section 2;
- (c) notice in writing has been received from the Minister that an application made by the teacher under section 2 has been withdrawn; or
- (d) ten days have elapsed after receipt by the Minister of the report of the board of reference,

whichever of such events first occurs. 1938, c. 42, s. 9, *amended*.

Contract
for ter-
mination of
engagement
by teacher.

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board until,—

- (a) the time prescribed for applying for a board of reference has elapsed;
- (b) notice in writing has been received from the board that no application will be made under section 2;
- (c) notice in writing has been received from the Minister that an application made by the board under section 2 has been withdrawn; or
- (d) ten days have elapsed after receipt by the Minister of the report of the board of reference,

whichever of such events first occurs. *New*.

Application
for board of
reference.

4.—(1) Upon receipt of an application for a board of reference the Minister shall send notice of such application by prepaid post to the other party to the dispute and inquire into the dismissal or termination of employment and may,—

- (a) direct the continuance in force of the contract of employment between the board and the teacher for a period not exceeding one year; or
- (b) direct a judge to act as chairman of a board of reference.

Security for
costs.

(2) Before directing a judge to act as chairman of a board of reference the Minister may require the applicant to furnish

security for costs in such amount and in such form as he may deem advisable.

(3) Upon directing a judge to act as chairman of a board of reference, the Minister shall cause notice thereof to be sent by prepaid registered post to the board and teacher involved in the dispute and such notice shall require each of them to name a representative to such board and to notify the Minister of such nomination by prepaid registered post or other notice satisfactory to the Minister within twelve days of the sending of the notice by the Minister. ^{Naming of representatives.}

(4) Where the applicant fails to comply with the requirements of subsection 3 the reference shall not proceed and where either the board or teacher, not being the applicant, fails to comply with such requirements, the chairman shall name a representative for the board or teacher, as the case may be. ^{Failure to name representative.} 1943, c. 26, s. 22, *amended*.

5. The chairman shall with all convenient speed, and upon reasonable notice thereof to the parties, convene the board of reference in such suitable building as may be available. ^{Place and time of hearing.} 1938, c. 42, s. 5, *amended*.

6.—(1) It shall be the duty of the board of reference to inquire into the matter in dispute and for such purpose the chairman shall have all the powers and rights which may be conferred upon a commissioner under *The Public Inquiries Act*. ^{Duty to inquire. Powers of Judge. Rev. Stat., c. 19.} 1938, c. 42, s. 6, *amended*.

(2) Every meeting of the board of reference shall be held *in camera*. ^{Meetings of board to be held in camera.} *New*.

7. Upon the completion of the hearing, the board of reference shall report to the Minister. ^{Board of reference to report.} 1938, c. 42, s. 7, *amended*.

8. Where the report of the board of reference recommends the continuance in force of the contract of employment between the board and teacher, the Minister shall direct the continuance in force of such contract for a period of one year or for such lesser period as the board of reference has recommended or as the Minister deems advisable. ^{Continuance of contract.} 1943, c. 26, s. 23, *part, amended*.

9. A direction of the Minister made under section 4 or 8 shall be binding upon the board and the teacher to whom it is directed. ^{Direction of Minister.} 1943, c. 26, s. 23, *part, amended*.

10.—(1) Where a board fails to comply with a direction of the Minister made under section 4 or 8, any amounts then ^{Failure to comply with direction of Minister.}

or thereafter payable to the board under the authority of any Act of this Legislature shall not be paid to the board until it has complied with such direction.

Idem.

(2) Where a teacher fails to comply with a direction of the Minister made under section 4 or 8, the Minister may suspend the certificate of qualification of such teacher for such period as he may deem advisable. 1943, c. 26, s. 23, *part, amended*.

Costs.

11. Subject to the regulations, the chairman may determine and fix the costs of the board of reference including counsel fees and other expenses occasioned by each of the parties to the dispute and may make such order as to costs as he may deem proper and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1938, c. 42, s. 8, *amended*.

Regulations.

12. The Lieutenant-Governor in Council may make regulations,—

- (a) fixing the remuneration of chairmen and members of boards of reference and defining, prescribing and limiting other items of expense including travelling and living expenses which shall be included in the costs of a board of reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) generally for the better carrying out of the provisions of this Act. 1938, c. 42, s. 10; 1943, c. 26, s. 24, *amended*.

1938, c. 42;
1943, c. 26,
ss. 20-24,
repealed.

13. *The Teachers' Boards of Reference Act, 1938*, and sections 20, 21, 22, 23 and 24 of *The School Law Amendment Act, 1943*, are repealed.

Short title.

14. This Act may be cited as *The Teachers' Boards of Reference Act, 1946*.

The Teachers' Boards of Reference
Act, 1946

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. DREW

No. 123

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Teachers' Boards of Reference Act, 1946.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Teachers' Boards of Reference Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "board" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act, 1946*; <sup>Interpre-
tation,—
"board";
1946, c. —.</sup>
- (b) "employed" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act, 1946*; ^{"employed";}
- (c) "judge" shall mean judge of a county or district ^{"judge";}
court;
- (d) "Minister" shall mean Minister of Education; and ^{"Minister";}
- (e) "teacher" shall have the same meaning as in *The Teachers' and Inspectors' Superannuation Act, 1946*.
1938, c. 42, s. 2; 1943, c. 26, s. 20, *amended*. ^{"teacher".}

2.—(1) Every dismissal or termination of employment of a teacher by a board shall be by notice in writing which shall indicate the reasons for such dismissal or termination. 1943, c. 26, s. 21 (2), *amended*. <sup>Termination
of em-
ployment.</sup>

(2) Notwithstanding anything contained in any other Act, where a teacher employed by a board is dismissed or the engagement of such teacher is terminated by the teacher or the board in a manner not mutually agreeable, such teacher or board may at any time within fifteen days of receiving the notice of such dismissal or termination, apply in writing to the Minister for a board of reference, setting forth in such application the nature of the dispute. 1938, c. 42, s. 3 (1); 1943, c. 26, s. 21 (1), *amended*. <sup>Application
for board of
reference.</sup>

(3) The applicant shall forthwith cause a copy of the application to be served by personal service or by prepaid registered post upon the other party to the dispute. *New*. <sup>Service of
notice.</sup>

3.—(1) A board shall not make a permanent appointment in place of a teacher who is dismissed or whose appointment is terminated. <sup>Appoint-
ment in
place of
teacher
dismissed.</sup>

has been terminated in a manner not agreeable to the teacher until,—

- (a) the time prescribed for applying for a board of reference has elapsed;
- (b) notice in writing has been received from the teacher that no application will be made under section 2;
- (c) notice in writing has been received from the Minister that an application made by the teacher under section 2 has been withdrawn; or
- (d) ten days have elapsed after receipt by the Minister of the report of the board of reference,

whichever of such events first occurs. 1938, c. 42, s. 9, *amended*.

Contract
for ter-
mination of
engagement
by teacher.

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board until,—

- (a) the time prescribed for applying for a board of reference has elapsed;
- (b) notice in writing has been received from the board that no application will be made under section 2;
- (c) notice in writing has been received from the Minister that an application made by the board under section 2 has been withdrawn; or
- (d) ten days have elapsed after receipt by the Minister of the report of the board of reference,

whichever of such events first occurs. *New*.

Application
for board of
reference.

4.—(1) Upon receipt of an application for a board of reference the Minister shall send notice of such application by prepaid post to the other party to the dispute and inquire into the dismissal or termination of employment and may,—

- (a) direct the continuance in force of the contract of employment between the board and the teacher for a period not exceeding one year; or
- (b) direct a judge to act as chairman of a board of reference.

Security for
costs.

(2) Before directing a judge to act as chairman of a board of reference the Minister may require the applicant to furnish

security for costs in such amount and in such form as he may deem advisable.

(3) Upon directing a judge to act as chairman of a board of reference, the Minister shall cause notice thereof to be sent by prepaid registered post to the board and teacher involved in the dispute and such notice shall require each of them to name a representative to such board and to notify the Minister of such nomination by prepaid registered post or other notice satisfactory to the Minister within twelve days of the sending of the notice by the Minister.

Naming of
representatives.

(4) Where the applicant fails to comply with the requirements of subsection 3 the reference shall not proceed and where either the board or teacher, not being the applicant, fails to comply with such requirements, the chairman shall name a representative for the board or teacher, as the case may be.

Failure to
name representative.

1943, c. 26, s. 22, *amended*.

5. The chairman shall with all convenient speed, and upon reasonable notice thereof to the parties, convene the board of reference in such suitable building as may be available.

Place and
time of
hearing.

1938, c. 42, s. 5, *amended*.

6.—(1) It shall be the duty of the board of reference to inquire into the matter in dispute and for such purpose the chairman shall have all the powers and rights which may be conferred upon a commissioner under *The Public Inquiries Act*.

Duty to
inquire.
Powers of
Judge.
Rev. Stat.,
c. 19.

1938, c. 42, s. 6, *amended*.

(2) Every meeting of the board of reference shall be held *in camera*.

Meetings
of board
to be held
in camera.

7. Upon the completion of the hearing, the board of reference shall report to the Minister.

Board of
reference
to report.

8. Where the report of the board of reference recommends the continuance in force of the contract of employment between the board and teacher, the Minister shall direct the continuance in force of such contract for a period of one year or for such lesser period as the board of reference has recommended or as the Minister deems advisable.

Continu-
ance of
contract.

1943, c. 26, s. 23, *part, amended*.

9. A direction of the Minister made under section 4 or 8 shall be binding upon the board and the teacher to whom it is directed.

Direction of
Minister.

1943, c. 26, s. 23, *part, amended*.

10.—(1) Where a board fails to comply with a direction of the Minister made under section 4 or 8, any amounts then

Failure to
comply with
direction of
Minister.

or thereafter payable to the board under the authority of any Act of this Legislature shall not be paid to the board until it has complied with such direction.

Idem.

(2) Where a teacher fails to comply with a direction of the Minister made under section 4 or 8, the Minister may suspend the certificate of qualification of such teacher for such period as he may deem advisable. 1943, c. 26, s. 23, *part, amended*.

Costs.

11. Subject to the regulations, the chairman may determine and fix the costs of the board of reference including counsel fees and other expenses occasioned by each of the parties to the dispute and may make such order as to costs as he may deem proper and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. 1938, c. 42, s. 8, *amended*.

Regulations.

12. The Lieutenant-Governor in Council may make regulations,—

- (a) fixing the remuneration of chairmen and members of boards of reference and defining, prescribing and limiting other items of expense including travelling and living expenses which shall be included in the costs of a board of reference;
- (b) regulating the practice and procedure to be followed upon any reference; and
- (c) generally for the better carrying out of the provisions of this Act. 1938, c. 42, s. 10; 1943, c. 26, s. 24, *amended*.

1938, c. 42;
1943, c. 26,
ss. 20-24,
repealed.

13. *The Teachers' Boards of Reference Act, 1938*, and sections 20, 21, 22, 23 and 24 of *The School Law Amendment Act, 1943*, are repealed.

Short title.

14. This Act may be cited as *The Teachers' Boards of Reference Act, 1946*.

The Teachers' Boards of Reference
Act, 1946

1st Reading

March 21st, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

Mr. Drew

No. 124

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Day Nurseries.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1 and 2. Local municipalities are authorized to provide for the establishment and maintenance of day nurseries, and the municipalities will be reimbursed to the extent of one-half of the amount paid out or contributed for the operation and maintenance of such day nurseries.

SECTION 3. The regulations which the Lieutenant-Governor in Council is authorized to make under this section may be restricted in their application to day nurseries established pursuant to municipal authority under section 1, or may be of general application.

BILL

An Act respecting Day Nurseries.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of a local municipality within the meaning of *The Municipal Act* may by by-law provide for the establishment of day nurseries for the care and feeding of young children. Establishment of day nurseries. Rev. Stat., c. 266.

(2) A by-law passed under subsection 1 may provide for the establishment of day nurseries directly by the municipality or by any organization named in the by-law and approved by the Minister, but in either event, in order to qualify for a grant under this Act, the council of the municipality shall be responsible for the efficient and satisfactory operation thereof and for furnishing to the Minister such reports and other information as he may require. Establishment of day nurseries by municipality or organizations.

2. There shall be paid to every local municipality in respect of every day nursery established under section 1 and which is conducted in accordance with the requirements of the regulations, an amount equal to one-half of the amount paid out or contributed by the local municipality for the operation and maintenance of the day nursery, computed in the manner prescribed by the regulations. Contribution by Province.

3.—(1) The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) governing and regulating the operation of day nurseries;
- (b) requiring any class or classes of day nurseries to be licensed and providing for the issue, renewal, suspension and cancellation of licences;
- (c) prescribing the manner of computing the cost of operation and cost of maintenance of a day nursery for the purposes of section 2; and

(d) generally for the better carrying out of the provisions of this Act.

Application
of regula-
tions.

(2) The regulations mentioned in clauses *a*, *b* and *d* may be made applicable to day nurseries generally or may be restricted in their application to day nurseries established under section 1.

Penalties.

4.—(1) Every person who contravenes any of the provisions of the regulations shall be guilty of an offence and liable to a penalty not exceeding \$50 for a first offence and not exceeding \$100 for a second or subsequent offence.

Recovery of
penalties.

(2) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Appropriation
of
money.

5. All sums payable under this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Moneys paid
and payable
under agree-
ment.

6. The payment of all moneys paid by the Province in respect of day nurseries pursuant to any agreement or scheme which had for its purpose the establishment and operation of day nurseries during a period of emergency occasioned by the war with Germany and Japan is ratified and confirmed and any moneys presently owing by the Province under any such agreement or scheme may be paid out of such moneys as may be appropriated therefor by the Legislature.

Disposi-
tion of
property.

7. The Lieutenant-Governor in Council may make such disposition as he deems proper of any real or personal property acquired for the purposes of day nurseries or for any like purpose by His Majesty in right of Ontario prior to the coming into force of this Act and in particular may convey, transfer or grant any such property to a municipal corporation or a local board thereof for use in connection with the operation of a day nursery or otherwise.

Short title.

8. This Act may be cited as *The Day Nurseries Act, 1946*.

SECTIONS 4 and 5. Self-explanatory.

SECTIONS 6 and 7. These sections take care of situations arising out of day nursery projects undertaken during the period of emergency occasioned by the war.

BILL

An Act respecting Day Nurseries.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 124

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Day Nurseries.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act respecting Day Nurseries.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of a local municipality within the meaning of *The Municipal Act* may by by-law provide for the establishment of day nurseries for the care and feeding of young children. Establishment of day nurseries. Rev. Stat., c. 266.

(2) A by-law passed under subsection 1 may provide for the establishment of day nurseries directly by the municipality or by any organization named in the by-law and approved by the Minister, but in either event, in order to qualify for a grant under this Act, the council of the municipality shall be responsible for the efficient and satisfactory operation thereof and for furnishing to the Minister such reports and other information as he may require. Establishment of day nurseries by municipality or organizations.

2. There shall be paid to every local municipality in respect of every day nursery established under section 1 and which is conducted in accordance with the requirements of the regulations, an amount equal to one-half of the amount paid out or contributed by the local municipality for the operation and maintenance of the day nursery, computed in the manner prescribed by the regulations. Contribution by Province.

3.—(1) The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) governing and regulating the operation of day nurseries;
- (b) requiring any class or classes of day nurseries to be licensed and providing for the issue, renewal, suspension and cancellation of licences;
- (c) prescribing the manner of computing the cost of operation and cost of maintenance of a day nursery for the purposes of section 2; and

(d) generally for the better carrying out of the provisions of this Act.

Application
of regula-
tions.

(2) The regulations mentioned in clauses *a*, *b* and *d* may be made applicable to day nurseries generally or may be restricted in their application to day nurseries established under section 1.

Penalties.

4.—(1) Every person who contravenes any of the provisions of the regulations shall be guilty of an offence and liable to a penalty not exceeding \$50 for a first offence and not exceeding \$100 for a second or subsequent offence.

Recovery of
penalties.

(2) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Appropriation
of money.

5. All sums payable under this Act shall be payable out of such moneys as may be appropriated therefor by the Legislature.

Moneys paid
and payable
under agree-
ment.

6. The payment of all moneys paid by the Province in respect of day nurseries pursuant to any agreement or scheme which had for its purpose the establishment and operation of day nurseries during a period of emergency occasioned by the war with Germany and Japan is ratified and confirmed and any moneys presently owing by the Province under any such agreement or scheme may be paid out of such moneys as may be appropriated therefor by the Legislature.

Disposi-
tion of
property.

7. The Lieutenant-Governor in Council may make such disposition as he deems proper of any real or personal property acquired for the purposes of day nurseries or for any like purpose by His Majesty in right of Ontario prior to the coming into force of this Act and in particular may convey, transfer or grant any such property to a municipal corporation or a local board thereof for use in connection with the operation of a day nursery or otherwise.

Short title.

8. This Act may be cited as *The Day Nurseries Act, 1946*.

BILL

An Act respecting Day Nurseries.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. GODFELLOW

No. 125

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Public Welfare Act.

MR. GOODFELLOW

EXPLANATORY NOTE

The repealed clauses relate to the establishment and regulation of day nurseries. This Bill is complementary to Bill No. 124, "An Act respecting Day Nurseries."

No. 125

1946

BILL

An Act to amend The Department of Public Welfare Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *f* and *g* of section 4 of *The Department of Public Welfare Act* as enacted by section 1 of *The Department of Public Welfare Amendment Act, 1942*, are repealed. Rev. Stat., c. 61, s. 4, cls. *f*, *g*, (1942, c. 10, s. 1), repealed.

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1946*. Short title.

BILL

An Act to amend The Department of
Public Welfare Act.

1st Reading

March 21st, 1946

2nd Reading

3rd Reading

MR. GOODFELLOW

No. 125

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Department of Public Welfare Act.

MR. GOODFELLOW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 125

1946

BILL

An Act to amend The Department of Public Welfare Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *f* and *g* of section 4 of *The Department of Public Welfare Act* as enacted by section 1 of *The Department of Public Welfare Amendment Act, 1942*, are repealed. Rev. Stat., c. 61, s. 4, cls. *f*, *g*, (1942, c. 10, s. 1), repealed.

2. This Act may be cited as *The Department of Public Welfare Amendment Act, 1946*. Short title.

BILL

An Act to amend The Department of
Public Welfare Act.

1st Reading

March 21st, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. GOODFELLOW

No. 126

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1, 2 and 3. The name of the Temiskaming and Northern Ontario Railway Commission is changed to the Ontario Northland Transportation Commission.

SECTION 4. The limitation upon the salaries of the Commissioners is removed.

No. 126

1946

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the title thereto and substituting therefor the following: Rev. Stat., c. 55, title, re-enacted.

THE ONTARIO NORTHLAND TRANSPORTATION COMMISSION ACT.

2. Section 1 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor: Rev. Stat., c. 55, s. 1, re-enacted.

1. In this Act "Commission" shall mean Ontario Northland Transportation Commission. "Commission", defined.

3. Subsection 1 of section 2 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "be" in the third line the words "known as the Ontario Northland Transportation Commission and shall be", so that the said subsection shall now read as follows: Rev. Stat., c. 55, s. 2, subs. 1, amended.

(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is continued and shall be known as the Ontario Northland Transportation Commission and shall be composed of one or more persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure. Commission, how composed.

4. Section 5 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words, symbol and figures "not exceeding \$9,000" in the fourth line, so that the said section shall now read as follows: Rev. Stat., c. 55, s. 5, amended.

Travelling
expenses
and honor-
arium.

5. The chairman and each of the Commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his duties, and such salary or remuneration as the Lieutenant-Governor in Council may direct.

Rev. Stat.,
c. 55, s. 5a,
subs. 1
(1941, c. 61,
s. 1),
amended.

5. Subsection 1 of section 5a of *The Temiskaming and Northern Ontario Railway Act* as enacted by section 1 of *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*, is amended by striking out the words "Temiskaming and Northern Ontario" in the seventh and eighth lines and inserting in lieu thereof the words "Ontario Northland", so that the said subsection shall now read as follows:

Industrial
Commis-
sioner,
—
appoint-
ment of.

- (1) The Lieutenant-Governor in Council may appoint an Industrial Commissioner who shall be paid such salary or other remuneration by the Commission as may be determined by the Lieutenant-Governor in Council whose duty it shall be to assist in the promotion of industrial activity in that part of Ontario served by the Ontario Northland Railway.

Rev. Stat.,
c. 55, s. 6,
subs. 2,
amended.

6. Subsection 2 of section 6 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following clauses:

- (e) purchase or otherwise acquire, construct, complete, equip, maintain and operate hotels, tourist resorts, restaurants, boats and vessels and lines of boats and vessels.
- (f) purchase or otherwise acquire, construct, complete, equip, maintain and operate such undertakings as the Commission may deem to be for the benefit of the travelling public or the residents of that part of Ontario which may be served by the operations of the Commission.

Rev. Stat.,
c. 55, s. 8,
re-enacted.

7.—(1) Section 8 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Powers of
Commission
as to sub-
sidiary
companies.

8. Subject to the approval of the Lieutenant-Governor in Council, the Commission may purchase or otherwise acquire or promote and cause to be incorporated and organized a company or companies under any public or private Act of any province or of the Dominion of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company shall

SECTION 5. The amendment is complementary to the change of name effected by other sections of the Bill.

SECTION 6. Additional powers consistent with the present undertakings of the Commission are conferred subject to the approval and direction of the Lieutenant-Governor in Council.

SECTION 7—Subsection 1. Under the present Act the Commission is authorized to “promote, cause to be incorporated or organized a company or companies”. The amendment authorizes the Commission to purchase or otherwise acquire companies.

Subsection 2. Self-explanatory.

SECTION 8. This amendment is incidental to the change of name.

SECTION 9. The necessity of obtaining the approval of the Lieutenant-Governor in Council in order to operate the railway or any section thereof by electricity or other motive power is removed.

SECTION 10. The provision repealed becomes unnecessary in view of the provisions of section 6 of this Bill.

SECTION 11. The addition of the words indicated is consistent with the present undertakings of the Commission.

possess and enjoy all the powers, rights, remedies and immunities conferred by law or by this Act upon the Commission.

(2) The purchase, acquisition or incorporation of any company by the Temiskaming and Northern Ontario Railway Commission prior to the coming into force of this Act is ratified, validated and confirmed.

Rev. Stat.,
c. 35, s. 8a
(1941, c. 61,
s. 2),
amended.

8. Section 8a of *The Temiskaming and Northern Ontario Railway Act* as enacted by section 2 of *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*, is amended by striking out the words "Temiskaming and Northern Ontario" in the tenth and eleventh lines and inserting in lieu thereof the words "Ontario Northland", so that the said section shall now read as follows:

8a. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing may operate the said railway and its undertakings in the same manner and subject to the said agreement to the same extent as if such railway and undertakings formed part of the Ontario Northland Railway.

Agreement
with
Nipissing
Central
Railway
Company.

9. Section 12 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "Subject to the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 55, s. 12,
amended.

12. The Commission may operate the railway or any section thereof by electricity or by any other motive power.

Motive
power.

10. Subsection 2 of section 13 of *The Temiskaming and Northern Ontario Railway Act* is repealed.

Rev. Stat.,
c. 55, s. 13,
subs. 2,
repealed.

11. Section 15 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "or works" in the second line and inserting in lieu thereof the words "boats, vessels, works or other property", so that the said section shall now read as follows:

Rev. Stat.,
c. 55, s. 15,
amended.

15. The Commission may sell or otherwise dispose of any motor vehicles, aeroplanes, equipment, boats, vessels, works or other property as may from time to time be found superfluous or unfit for the purposes of the Commission.

Power to
sell or
dispose of
motor
vehicles,
etc.

Rev. Stat.,
c. 55, s. 20,
amended.

12. Section 20 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the fourth and fifth lines, so that the said section shall now read as follows:

Security
for safe-
keeping of
funds.

20. Security shall be given by any person entrusted by the Commission with the custody and control of money by virtue of his employment, in such manner and to such amount as may be prescribed by the Commission.

Rev. Stat.,
c. 55, s. 22,
amended.

13. Section 22 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "may" in the fifth line the words "purchase or otherwise acquire or", so that the said section shall now read as follows:

Approval of
Lieutenant-
Governor in
Council.

22. Wherever in this Act the approval or consent of the Lieutenant-Governor in Council is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may purchase or otherwise acquire or cause to be incorporated providing the approval or consent of the Lieutenant-Governor in Council is obtained.

Rev. Stat.,
c. 55, s. 30,
subs. 1,
amended.

14.—(1) Subsection 1 of section 30 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "company" where it occurs the second time in the fourth line the words "purchased or otherwise acquired or", so that the said subsection shall now read as follows:

Holding
shares.

(1) The Commission, and any or all of the Commissioners or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company heretofore acquired or of any company purchased or otherwise acquired or caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario and may exercise all the rights of shareholders in respect of the shares so held by them.

Rev. Stat.,
c. 55, s. 30,
subss. 4, 5,
re-enacted.

(2) Subsections 4 and 5 of the said section 30 are repealed and the following substituted therefor:

Guarantee-
ing con-
tracts.

(4) The Commission may guarantee the performance of any or all obligations and undertakings of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission and may guarantee

SECTION 12. This is another instance where the approval of the Lieutenant-Governor in Council will no longer be necessary in connection with administrative acts of the Commission.

SECTIONS 13 and 14. These amendments are complementary to the amendments effected by subsection 1 of section 7 of the Bill.

SECTION 15. This amendment is necessary owing to the change of name.

SECTION 16. Self-explanatory.

the repayment of any advances made to any such company for the purposes of its obligations and undertakings or any of them, but no such guarantee shall be made either for the performance of obligations for construction or the repayment of moneys in respect of obligations for construction until such guarantee has been authorized by the Lieutenant-Governor in Council.

- (5) The Commission, with the approval of the Lieutenant-Governor in Council, may advance to any company purchased or otherwise acquired or caused to be incorporated by the Commission, such sums as may be required for the obligations and undertakings of the company. Commission authorized to advance funds to subsidiaries.

15. Section 33 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "Temiskaming and Northern Ontario Railway Account" in the first and second lines and inserting in lieu thereof the words "Ontario Northland Transportation Commission Account", so that the said section shall now read as follows: Rev. Stat., c. 55, s. 33, amended.

33. An account to be called the "Ontario Northland Transportation Commission Account" shall be kept by Treasury Department of all payments out of the Consolidated Revenue Fund and of moneys received from the Commission in repayment of any indebtedness incurred by the Commission. Special account in books of Treasury Department.

16. The undertaking of the Commission heretofore known as the Temiskaming and Northern Ontario Railway shall hereafter be known as the Ontario Northland Railway. Ontario Northland Railway.

17. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

18. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1946*. Short title.

BILL

An Act to amend The Temiskaming and
Northern Ontario Railway Act.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. DREW

No. 126

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the title thereto and substituting therefor the following: Rev. Stat., c. 55, title, re-enacted.

THE ONTARIO NORTHLAND TRANSPORTATION COMMISSION ACT.

2. Section 1 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor: Rev. Stat., c. 55, s. 1, re-enacted.

1. In this Act "Commission" shall mean Ontario Northland Transportation Commission. "Commission",—defined.

3. Subsection 1 of section 2 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "be" in the third line the words "known as the Ontario Northland Transportation Commission and shall be", so that the said subsection shall now read as follows: Rev. Stat., c. 55, s. 2, subs. 1, amended

(1) The body corporate heretofore established under *The Temiskaming and Northern Ontario Railway Act* is continued and shall be known as the Ontario Northland Transportation Commission and shall be composed of one or more persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure. Commission,—how composed.

4. Section 5 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words, symbol and figures "not exceeding \$9,000" in the fourth line, so that the said section shall now read as follows: Rev. Stat., c. 55, s. 5, amended.

Travelling
expenses
and honor-
arium.

5. The chairman and each of the Commissioners shall receive his actual travelling expenses and other disbursements properly incurred in discharging his duties, and such salary or remuneration as the Lieutenant-Governor in Council may direct.

Rev. Stat.,
c. 55, s. 5a,
subs. 1
(1941, c. 61,
s. 1),
amended.

5. Subsection 1 of section 5a of *The Temiskaming and Northern Ontario Railway Act* as enacted by section 1 of *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*, is amended by striking out the words "Temiskaming and Northern Ontario" in the seventh and eighth lines and inserting in lieu thereof the words "Ontario Northland", so that the said subsection shall now read as follows:

Industrial
Commis-
sioner,—
appoint-
ment of.

- (1) The Lieutenant-Governor in Council may appoint an Industrial Commissioner who shall be paid such salary or other remuneration by the Commission as may be determined by the Lieutenant-Governor in Council whose duty it shall be to assist in the promotion of industrial activity in that part of Ontario served by the Ontario Northland Railway.

Rev. Stat.,
c. 55, s. 6,
subs. 2,
amended.

6. Subsection 2 of section 6 of *The Temiskaming and Northern Ontario Railway Act* is amended by adding thereto the following clauses:

- (e) purchase or otherwise acquire, construct, complete, equip, maintain and operate hotels, tourist resorts, restaurants, boats and vessels and lines of boats and vessels.
- (f) purchase or otherwise acquire, construct, complete, equip, maintain and operate such undertakings as the Commission may deem to be for the benefit of the travelling public or the residents of that part of Ontario which may be served by the operations of the Commission.

Rev. Stat.,
c. 55, s. 8,
re-enacted.

7.—(1) Section 8 of *The Temiskaming and Northern Ontario Railway Act* is repealed and the following substituted therefor:

Powers of
Commission
as to sub-
sidiary
companies.

8. Subject to the approval of the Lieutenant-Governor in Council, the Commission may purchase or otherwise acquire or promote and cause to be incorporated and organized a company or companies under any public or private Act of any province or of the Dominion of Canada for the exercise of all or any of the powers conferred upon the Commission, or for the better operation, management or control of its undertaking or any part thereof, and every such company shall

possess and enjoy all the powers, rights, remedies and immunities conferred by law or by this Act upon the Commission.

(2) The purchase, acquisition or incorporation of any company by the Temiskaming and Northern Ontario Railway Commission prior to the coming into force of this Act is ratified, validated and confirmed. Ratification of former acts of Commission.

8. Section 8a of *The Temiskaming and Northern Ontario Railway Act* as enacted by section 2 of *The Temiskaming and Northern Ontario Railway Amendment Act, 1941*, is amended by striking out the words "Temiskaming and Northern Ontario" in the tenth and eleventh lines and inserting in lieu thereof the words "Ontario Northland", so that the said section shall now read as follows: Rev. Stat., c. 35, s. 8a (1941, c. 61, s. 2), amended.

8a. The Commission, with the approval of the Lieutenant-Governor in Council, may enter into an agreement with the Nipissing Central Railway Company to acquire, lease or otherwise deal with the railway and the undertakings of the Company in whole or in part, and upon such acquisition, lease or other dealing may operate the said railway and its undertakings in the same manner and subject to the said agreement to the same extent as if such railway and undertakings formed part of the Ontario Northland Railway. Agreement with Nipissing Central Railway Company.

9. Section 12 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "Subject to the approval of the Lieutenant-Governor in Council" in the first and second lines, so that the said section shall now read as follows: Rev. Stat., c. 55, s. 12, amended.

12. The Commission may operate the railway or any section thereof by electricity or by any other motive power. Motive power.

10. Subsection 2 of section 13 of *The Temiskaming and Northern Ontario Railway Act* is repealed. Rev. Stat., c. 55, s. 13, subs. 2, repealed.

11. Section 15 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "or works" in the second line and inserting in lieu thereof the words "boats, vessels, works or other property", so that the said section shall now read as follows: Rev. Stat., c. 55, s. 15, amended.

15. The Commission may sell or otherwise dispose of any motor vehicles, aeroplanes, equipment, boats, vessels, works or other property as may from time to time be found superfluous or unfit for the purposes of the Commission. Power to sell or dispose of motor vehicles, etc.

Rev. Stat.,
c. 55, s. 20,
amended.

12. Section 20 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "with the approval of the Lieutenant-Governor in Council" in the fourth and fifth lines, so that the said section shall now read as follows:

Security
for safe-
keeping of
funds.

20. Security shall be given by any person entrusted by the Commission with the custody and control of money by virtue of his employment, in such manner and to such amount as may be prescribed by the Commission.

Rev. Stat.,
c. 55, s. 22,
amended.

13. Section 22 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "may" in the fifth line the words "purchase or otherwise acquire or", so that the said section shall now read as follows:

Approval of
Lieutenant-
Governor in
Council.

22. Wherever in this Act the approval or consent of the Lieutenant-Governor in Council is made a condition precedent to the exercise of any power conferred on the Commission, such power may be exercised by any company which the Commission may purchase or otherwise acquire or cause to be incorporated providing the approval or consent of the Lieutenant-Governor in Council is obtained.

Rev. Stat.,
c. 55, s. 30,
subs. 1,
amended.

14.—(1) Subsection 1 of section 30 of *The Temiskaming and Northern Ontario Railway Act* is amended by inserting after the word "company" where it occurs the second time in the fourth line the words "purchased or otherwise acquired or", so that the said subsection shall now read as follows:

Holding
shares.

(1) The Commission, and any or all of the Commissioners or any officer of the Commission designated by the Commission for that purpose, may hold the shares of the Nipissing Central Railway Company heretofore acquired or of any company purchased or otherwise acquired or caused to be incorporated by the Commission under the authority of this Act, in trust for Ontario and may exercise all the rights of shareholders in respect of the shares so held by them.

Rev. Stat.,
c. 55, s. 30,
subs. 4, 5,
re-enacted.

(2) Subsections 4 and 5 of the said section 30 are repealed and the following substituted therefor:

Guarantee-
ing con-
tracts.

(4) The Commission may guarantee the performance of any or all obligations and undertakings of the Nipissing Central Railway Company or of any company purchased or otherwise acquired or caused to be incorporated by the Commission and may guarantee

the repayment of any advances made to any such company for the purposes of its obligations and undertakings or any of them, but no such guarantee shall be made either for the performance of obligations for construction or the repayment of moneys in respect of obligations for construction until such guarantee has been authorized by the Lieutenant-Governor in Council.

- (5) The Commission, with the approval of the Lieutenant-Governor in Council, may advance to any company purchased or otherwise acquired or caused to be incorporated by the Commission, such sums as may be required for the obligations and undertakings of the company.
- Commission authorized to advance funds to subsidiaries.

15. Section 33 of *The Temiskaming and Northern Ontario Railway Act* is amended by striking out the words "Temiskaming and Northern Ontario Railway Account" in the first and second lines and inserting in lieu thereof the words "Ontario Northland Transportation Commission Account", so that the said section shall now read as follows:

Rev. Stat., c. 55, s. 33, amended.

33. An account to be called the "Ontario Northland Transportation Commission Account" shall be kept by Treasury Department of all payments out of the Consolidated Revenue Fund and of moneys received from the Commission in repayment of any indebtedness incurred by the Commission.
- Special account in books of Treasury Department.

16. The undertaking of the Commission heretofore known as the Temiskaming and Northern Ontario Railway shall hereafter be known as the Ontario Northland Railway.

Ontario Northland Railway.

17. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commencement of Act.

18. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Temiskaming and Northern Ontario Railway Act.

1st Reading

March 22nd, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. DREW

No. 127

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Labour Relations Board Act, 1944.

MR. CARLIN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Authority given the Lieutenant-Governor in Council to provide for the application of Dominion wartime labour regulations such as P.C. 1003 to industries within provincial legislative jurisdiction is revoked.

SECTION 2. In accordance with Section 1, it is no longer necessary for the Board's rules of procedure to be consistent with the Wartime Labour Relations Regulations.

SECTION 3. A new Part is added to the Act, governing labour relations in industries within provincial legislative jurisdiction. It provides:

- (1) for application to all industries which are now or may come within provincial jurisdiction (new section 16);
- (2) Precise definitions of such terms as "bargaining collectively", "company dominated organization", etc. (new section 17);
- (3) a clearly established right of collective bargaining, with exclusive representation by the agency chosen (new section 18);
- (4) new powers for the Board, deemed necessary for effective enforcement of the Act (new section 19);
- (5) that a vote must be taken on request of 25% of the employees (new section 20);
- (6) that if a majority of the employees vote, the majority of those voting shall determine the collective bargaining agency (new section 21);
- (7) precise definition of "unfair labour practices" (new section 22);
- (8) penalties for unfair labour practices (new section 23);
- (9) that the Lieutenant-Governor in Council may appoint a controller to operate the plant of any employer who wilfully disregards or disobeys an order of the Board (new section 24);
- (10) for the check-off of union dues upon request of the employee (new section 25);
- (11) that collective bargaining agreements shall remain in force for at least a year, with one month's notice of termination required thereafter (new section 26);
- (12) for a modified union shop (new section 27).

No. 127

1946

BILL

An Act to amend The Labour Relations Board Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Labour Relations Board Act, 1944*, is ^{1944, c. 29, s. 2,} repealed. _{repealed.}

2. Subsection 7 of section 5 of *The Labour Relations Board Act, 1944*, is amended by striking out all the words after the word "procedure" in the third line, so that the said subsection shall now read as follows: ^{1944, c. 29, s. 5, subs. 7,} _{amended.}

(7) Subject to the approval of the Lieutenant-Governor ^{Procedure.} in Council, the Board may make rules or regulations governing its procedure.

3. *The Labour Relations Board Act, 1944*, is amended by ^{1944, c. 29,} adding thereto the following sections under the heading _{amended.} "Part II":

PART II.

16. This part shall apply to all employers and employees ^{Application} whose labour relations are from time to time within _{of Part II.} the legislative jurisdiction of the Legislative Assembly of Ontario.

17. In this part,—

Interpre-
tation,—

(a) "bargaining collectively" shall mean negotiat- ^{"bargaining} ing in good faith with a view to the conclusion _{collective-} of a collective bargaining agreement, the embodiment in writing of the terms of agree- ly";
ment arrived at in negotiations or required to be inserted in a collective bargaining agree-
ment by this Act, the execution by or on behalf of the parties of such written agreement and the negotiating from time to time for the

settlement of disputes and grievances of employees covered by the agreement;

"collective bargaining agreement";

- (b) "collective bargaining agreement" shall mean an agreement in writing between an employer and a trade union setting forth the terms and conditions of employment or containing provisions in regard to rates of pay, hours of work or other working conditions;

"company dominated organization";

- (c) "company dominated organization" shall mean any labour organization, the formation or administration of which any employer or employer's agent has dominated or interfered with or to which any employer or employer's agent has contributed financial or other support, except as permitted by this Act;

"employee";

- (d) "employee" shall mean any person in the employment of an employer, except any person having authority to employ or discharge employees or regularly acting on behalf of management in a confidential capacity, and includes any person on strike or locked out in a current labour dispute who has not secured permanent employment elsewhere;

"employer";

- (e) "employer" shall mean,
- (i) any employer who employs three or more employees,
 - (ii) any employer who employs less than three employees if at least one of the said employees is a member of a trade union which includes among its membership employees of more than one employer,

and includes His Majesty in right of Ontario but does not include any employer whose relations with his employees are ordinarily within the exclusive legislative jurisdiction of the Parliament of Canada or whose works, undertaking or business are defined as essential to the prosecution of the war by Schedule "A" to the "Wartime Labour Relations Regulations" made by Order-in-Council number P.C. 1003 of the Governor-General in Council dated the seventeenth day of February, 1944, while it remains in force and as amended from

time to time, or are otherwise withdrawn so far as the matters dealt with by this Act are concerned from the legislative jurisdiction of the Legislature of Ontario by any valid law or regulation passed by authority of the Parliament of Canada;

"employer's agent";

(f) "employer's agent" shall mean,

(i) any person or association acting on behalf of an employer,

(ii) any officer, official, foreman or other representative or employee of an employer acting in any way on behalf of an employer in respect to hiring or discharging or any of the terms or conditions of employment of the employees of such employer;

(g) "labour organization" shall mean any organization of employees, not necessarily employees of one employer, which has bargaining collectively among its purposes; and ^{"labour organization";}

(h) "trade union" shall mean a labour organization which is not a company dominated organization. ^{"trade union".}

18. Employees shall have the right to organize in and to form, join or assist trade unions and to bargain collectively through representatives of their own choosing, and the representatives designated or selected for the purpose of bargaining collectively by the majority of employees in a unit appropriate for such purpose shall be the exclusive representatives of all employees in such unit for the purpose of bargaining collectively. ^{Rights of employees.}

19. The Board shall have power to make orders,—

^{Powers of Board.}

(a) determining whether the appropriate unit of employees for the purpose of bargaining collectively shall be an employer unit, craft unit, plant unit or a subdivision thereof or some other unit;

(b) determining what trade union, if any, represents a majority of employees in an appropriate unit of employees;

- (c) requiring an employer to bargain collectively;
- (d) requiring any person to refrain from violations of this Act or from engaging in any unfair labour practice;
- (e) requiring an employer to reinstate any employee discharged contrary to the provisions of this Act and to pay such employee the monetary loss suffered by reason of such discharge;
- (f) requiring an employer to disestablish a company dominated organization; and
- (g) rescinding or amending any order or decision of the board.

Power to
order vote.

20. When the choice of a trade union as representative of the majority of employees for the purpose of bargaining collectively is in question, the board,—

- (a) may direct a vote to be taken by secret ballot of all employees eligible to vote to determine such question; and
- (b) shall direct such vote upon the application of any trade union which 25 per cent or more of the employees in any appropriate unit have, within six months preceding the application, indicated as their choice as representative for the purpose of bargaining collectively either by membership in such trade union or by written authority.

Vote.

21. In any such vote a majority of the employees eligible to vote shall constitute a quorum and if a majority of those eligible to vote actually vote, the majority of those voting shall determine the trade union which represents the majority of employees for the purpose of bargaining collectively.

Unfair
labour
practices,
of em-
ployers,—

22.—(1) It shall be an unfair labour practice for any employer or employer's agent,—

- (a) to interfere with, restrain or coerce any employee in the exercise of any right conferred by this Act;
- (b) to discriminate or interfere with the formation or administration of any labour organization

or contribute financial or other support to it, provided that an employer shall not be prohibited from permitting the bargaining committee or officers of a trade union representing his employees in any unit to confer with him for the purpose of bargaining collectively or attending to the business of a trade union without deductions from wages or loss of time so occupied or from agreeing with any trade union for the use of notice boards and of the employer's premises for the purposes of such trade union;

- (c) to fail or refuse to bargain collectively with representatives elected or appointed, not necessarily being the employees of the employer, by a trade union representing the majority of the employees in an appropriate unit;
- (d) to refuse to permit any duly authorized representative of a trade union with which he has entered into a collective bargaining agreement to negotiate with him during working hours for the settlement of disputes and grievances of employees covered by the agreement, or to make any deductions from the wages of any such duly authorized representative of a trade union in respect of the time actually spent in negotiating for the settlement of such disputes and grievances;
- (e) to discriminate in regard to hiring or tenure of employment or any term or condition of employment or to use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a labour organization or participation of any kind in a proceeding under this Act, provided that nothing in this Act shall preclude an employer from making an agreement with a trade union to require as a condition of employment membership in or maintenance of membership in such trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if such trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively;

- (f) to require as a condition of employment that any person shall abstain from joining or assisting or being active in any trade union or from exercising any right provided by this Act, except as permitted by this Act;
- (g) to interfere in the selection of a trade union as a representative of employees for the purpose of bargaining collectively;
- (h) to maintain a system of industrial espionage or to employ or direct any person to spy upon a member or proceedings of a labour organization or the offices thereof or the exercise by any employee of any right provided by this Act;
- (i) to threaten to shut down or move a plant or any part of a plant in the course of a labour dispute; or
- (j) to declare or cause a lock-out or to make or threaten any change in wages, hours, conditions of employment, benefits or privileges while any application is pending before the board or any matter is pending before a board of conciliation appointed under the provisions of this Act.

of em-
ployees.

(2) It shall be an unfair labour practice for any employee or any person acting on behalf of a labour organization,—

- (a) to use coercion or intimidation of any kind with a view to encouraging or discouraging membership in or activity in or for a labour organization, provided that nothing in this Act shall preclude a person acting on behalf of a trade union from attempting to persuade an employer to make an agreement with that trade union to require as a condition of employment membership or maintenance of membership in such trade union or the selection of employees by or with the advice of a trade union or any other condition in regard to employment, if such trade union has been designated or selected by a majority of employees in any such unit as their representative for the purpose of bargaining collectively; or
- (b) to take part in or persuade or attempt to persuade any employee to take part in a strike

while an application is pending before the board or any matter is pending before a board of conciliation appointed under the provisions of this Act.

- 23.—(1) Any person who takes part in, aids, abets, Penalties.
 counsels or procures any unfair labour practice or fails to carry out the provisions of any order made by the Board and directed to him shall be guilty of an offence and liable on summary conviction for a first offence to a fine of not less than \$25 and not more than \$200 if an individual, or not less than \$200 and not more than \$5,000 if a corporation, and upon a second or subsequent offence to a like fine and, if an individual, to imprisonment not exceeding one year.
- (2) No prosecution shall be instituted under this section Consent of Board.
 without the consent of the Board.
- (3) The penalties imposed by this section may be Recovery of penalties.
 recovered in the manner provided by *The Summary Convictions Act.* Rev. Stat., c. 136.
24. In addition to any other penalties imposed or remedies Appointment of controller.
 provided by this Act, the Lieutenant-Governor in Council, upon the application of the board and upon being satisfied that any employer has wilfully disregarded or disobeyed any order, may appoint a controller to take possession of any business, plant or premises of such employer within Ontario as a going concern and operate them on behalf of His Majesty until such time as the Lieutenant-Governor in Council is satisfied that upon the return of such business, plant or premises to the employer the order of the board will be obeyed.
25. Upon the request in writing of any employee, and Check-off.
 upon request of a trade union representing the majority of employees in any bargaining unit of his employees, the employer shall deduct and pay in periodic payments out of the wages due to such employee, to the person designated by the trade union to receive the same, the union dues of such employee until such employee has withdrawn in writing such request, and the employer shall furnish to such trade union the names of the employees who have given or withdrawn such authority and failure to make payments and furnish information required by this section shall be an unfair labour practice.

Term of agreement.

26.—(1) Every collective bargaining agreement entered into by an employer and a trade union representing the majority of employees in any appropriate bargaining unit after this Act comes into force shall contain, and every collective bargaining agreement entered into between the employer and such trade union before this Act comes into force shall be deemed to contain a provision that the agreement shall remain in force for one year from its effective date, and thereafter until either of the parties or a trade union claiming to represent the majority of employees in any appropriate bargaining unit shall have given one month's notice to terminate the said agreement or to negotiate a revision thereof.

Renewal of agreement.

(2) Upon giving or receiving notice as provided in subsection 1 the employer shall bargain collectively with the trade union representing the majority of employees in an appropriate bargaining unit with a view to the renewal or revision of the former agreement or the conclusion of a new agreement.

Condition of employment.

27.—(1) Every collective bargaining agreement entered into by an employer and a trade union representing the majority of employees in any appropriate bargaining unit after this Act comes into force shall contain and, if entered into before this Act comes into force, shall be deemed to contain, at the request of such trade union, a provision that during the term of such agreement the members of such trade union shall maintain their membership in such trade union as a condition of employment and that all new employees employed during the term of such agreement shall as a condition of employment, within thirty days after the date of their employment, apply for membership and maintain membership in such trade union during the term of the said agreement, and failure to enter into a written agreement including such provisions, if so requested by a trade union representing the majority of employees of any such unit, or to carry out the terms of such agreement, subject to any law or regulation applicable thereto passed by the authority of the Parliament of Canada, shall be an unfair labour practice.

Exclusions.

(2) The Lieutenant-Governor in Council may by order, on such terms and conditions and for such period of time as may be prescribed therein, exclude from the operation of any provision required by or deemed pursuant to subsection 1 to be contained in a collec-

tive bargaining agreement any or all classes of persons who are or have been members of the naval, military or air forces of His Majesty or of any of His Majesty's allies during the present war or who are serving or have served in any capacity with these forces during the present war.

4. This Act may be cited as *The Labour Relations Board* Short title.
Amendment Act, 1946.

BILL

An Act to amend The Labour Relations Board Act, 1944.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. CARLIN

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Dental Technicians.

MR. MILLEN

EXPLANATORY NOTE

The purpose of the Bill is to control the performance of the work which is usually done by dental technicians. With certain exceptions it would prohibit the performance of such work by any person who is not registered under the proposed Act. Administration of the Act would be vested in a Board of five appointed by the Lieutenant-Governor in Council.

BILL

An Act respecting Dental Technicians.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Governing Board of Dental Technicians;
- (b) "dental technician" shall mean any person who upon the prescriptions or orders of legally qualified dentists or physicians makes, produces, reproduces, constructs, furnishes, supplies, alters or repairs any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof; and
- (c) "register" shall mean register under this Act.

"dental
technician";

"register".

2.—(1) There shall be established a Board of Governors to be known as the Governing Board of Dental Technicians, to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

(2) Of the members of the Board first appointed, two shall hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for re-appointment at the expiration of his term of office.

Term of
office.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment, by the Lieutenant-Governor in Council, of a person to hold office for the remainder of the term of such member.

Vacancies.

Officers.

(4) The Lieutenant-Governor in Council may designate one of the members of such Board to be the first chairman, one to be the first vice-chairman and one to be the first secretary-treasurer of the Board, and thereafter their successors in office shall be elected by the Board from time to time from amongst its members.

Regulations.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration not exceeding \$25 for each person registered;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon not exceeding \$25 annually for each person registered;
- (d) prescribing the discipline and control of registered technicians, including the adoption and enforcement of any reasonable canons of ethics;
- (e) providing for the investigation of any complaint that a dental technician has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent;
- (g) defining "misconduct" for the purpose of this section and the regulations;
- (h) providing for the payment of reasonable fees and disbursements to members of the Board in respect to the discharge of the duties of the Board; and
- (i) generally for the better carrying out of the provisions of this Act.

(2) All regulations made by the Board shall be submitted in writing to The Royal College of Dental Surgeons of Ontario not less than thirty days before being submitted to the Lieutenant-Governor in Council for approval, and any submissions on the part of the College with respect to any such regulations shall be presented to the Lieutenant-Governor in Council with the application for approval of the regulations. ^{Submission to College.}

4.—(1) Any person registered under this Act shall have the right to use the designation "Registered Dental Technician" and may describe his business as a dental laboratory. ^{Designation,—}

(2) No person shall be entitled to use the designation "Dental Technician" or "Registered Dental Technician" or any other name, title, initials or description implying that he is a dental technician, unless he is registered under the provisions of this Act. ^{use of prohibited.}

5. Nothing in this Act or the regulations shall apply to or affect the practice of any profession or calling by any person practising the profession or engaged in the calling under the authority of any general or special Act of this legislature. ^{Right to practice profession.}

6.—(1) Nothing in this Act or the regulations shall be deemed to prohibit any person from working as an employee of a legally qualified dentist, and in the course of or as the whole or a part of his duties as such employee, performing for his employer work or services of a kind ordinarily performed by a dental technician. ^{Employee of dentist.}

(2) Nothing in this Act shall be deemed to prohibit,— ^{Performance of work by others.}

(a) a dentist within the meaning of *The Dentistry Act*;

(b) a physician within the meaning of *The Medical Act*;

(c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician; or

(d) apprenticed dental technicians and other persons working as employees of a registered dental technician,

from performing work or services ordinarily performed by a dental technician.

(3) Nothing in this section shall be deemed to permit any person who is not a registered dental technician to engage generally in the service of dentists or of two or more dentists in the performance of the work of a dental technician but working in the service of a firm or association of dentists. ^{General work prohibited.}

practising as partners or similarly associated with one another shall be deemed working in the service of one dentist.

Corporations.

7. Nothing in this Act shall be deemed to prohibit any registered dental technician from carrying on business as a dental technician through and in the name of a corporation where the corporation has a registered dental technician in charge of its operations, but in such case, each of such dental technicians shall be deemed guilty of any infringement of *The Dentistry Act* or of this Act or of the regulations thereunder committed by such corporation.

Rev. Stat.,
c. 227
to apply.

8. Nothing in this Act or the regulations shall limit, alter or affect the application of any provision of *The Dentistry Act* or of any by-law made thereunder.

Offences.

9. Every person who, not being registered under this Act, carries on or holds himself out as carrying on as a dental technician or who advertises or uses or affixes any prefix to his name signifying that he is qualified to carry on as a dental technician shall be guilty of an offence and shall incur a penalty of \$50 for a first offence, \$100 for a second offence, and \$200 for a third or subsequent offence.

Proof of
registration.

10.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered dental technicians in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purporting to be signed by any person in his capacity of secretary-treasurer of the Board, shall be *prima facie* evidence of his signature and appointment or election.

Idem.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Idem.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Recovery of
penalties,
Rev. Stat.,
c. 136.

11. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*.

Short title.

12. This Act may be cited as *The Dental Technicians Act, 1946*.

BILL

An Act respecting Dental Technicians.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. MULLEN

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL
An Act respecting Dental Technicians.

MR. MILLEN

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

The purpose of the Bill is to control the performance of the work which is usually done by dental technicians. With certain exceptions it would prohibit the performance of such work by any person who is not registered under the proposed Act. Administration of the Act would be vested in a Board of five appointed by the Lieutenant-Governor in Council.

BILL

An Act respecting Dental Technicians.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Governing Board of Dental Technicians;
- (b) "dental technician" shall mean any person who upon the prescriptions or orders of legally qualified dentists or physicians makes, produces, reproduces, constructs, furnishes, supplies, alters or repairs any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof; and
- (c) "register" shall mean register under this Act.

"register".

2.—(1) There shall be established a Board of Governors to be known as the Governing Board of Dental Technicians, to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

(2) Of the members of the Board first appointed, two shall hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for re-appointment at the expiration of his term of office.

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment, by the Lieutenant-Governor in Council, of a person to hold office for the remainder of the term of such member.

Officers.

(4) The Lieutenant-Governor in Council may designate one of the members of such Board to be the first chairman, one to be the first vice-chairman and one to be the first secretary-treasurer of the Board, and thereafter their successors in office shall be elected by the Board from time to time from amongst its members.

Regulations.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration not exceeding \$25 for each person registered;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon not exceeding \$25 annually for each person registered;
- (d) prescribing the discipline and control of registered technicians, including the adoption and enforcement of any reasonable canons of ethics;
- (e) providing for the investigation of any complaint that a dental technician has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent;
- (g) defining "misconduct" for the purpose of this section and the regulations;
- (h) providing for the payment of reasonable fees and disbursements to members of the Board in respect to the discharge of the duties of the Board; and
- (i) generally for the better carrying out of the provisions of this Act.

(2) All regulations made by the Board shall be submitted in writing to The Royal College of Dental Surgeons of Ontario not less than thirty days before being submitted to the Lieutenant-Governor in Council for approval, and any submissions on the part of the College with respect to any such regulations shall be presented to the Lieutenant-Governor in Council with the application for approval of the regulations.

Submission
to College.

4.—(1) Any person registered under this Act shall have the right to use the designation "Registered Dental Technician" and may describe his business as a dental laboratory.

Designa-
tion,—

(2) No person shall be entitled to use the designation "Dental Technician" or "Registered Dental Technician" or any other name, title, initials or description implying that he is a dental technician, unless he is registered under the provisions of this Act.

use of
prohibited.

5. Nothing in this Act or the regulations shall apply to or affect the practice of any profession or calling by any person practising the profession or engaged in the calling under the authority of any general or special Act of this legislature.

Right to
practice
profession.

6.—(1) Nothing in this Act or the regulations shall be deemed to prohibit any person from working as an employee of a legally qualified dentist, and in the course of or as the whole or a part of his duties as such employee, performing for his employer work or services of a kind ordinarily performed by a dental technician.

Employee
of dentist.

(2) Nothing in this Act shall be deemed to prohibit,—

Performance
of work
by others.

(a) a dentist within the meaning of *The Dentistry Act*;

(b) a physician within the meaning of *The Medical Act*;

(c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician; or

(d) apprenticed dental technicians and other persons working as employees of a registered dental technician,

from performing work or services ordinarily performed by a dental technician.

(3) Nothing in this section shall be deemed to permit any person who is not a registered dental technician to engage generally in the service of dentists or of two or more dentists in the performance of the work of a dental technician but working in the service of a firm or association of dentists

General
work
prohibited.

practising as partners or similarly associated with one another, shall be deemed working in the service of one dentist.

Corporations.

7. Nothing in this Act shall be deemed to prohibit any registered dental technician from carrying on business as a dental technician through and in the name of a corporation where the corporation has a registered dental technician in charge of its operations, but in such case, each of such dental technicians shall be deemed guilty of any infringement of *The Dentistry Act* or of this Act or of the regulations thereunder committed by such corporation.

Rev. Stat.,
c. 227
to apply.

8. Nothing in this Act or the regulations shall limit, alter or affect the application of any provision of *The Dentistry Act* or of any by-law made thereunder.

Offences.

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician or who advertises or uses or affixes any prefix to his name signifying that he is qualified to carry on business as a dental technician shall be guilty of an offence and shall incur a penalty of \$50 for a first offence, \$100 for a second offence, and \$200 for a third or subsequent offence.

Proof of
registration.

10.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered dental technicians in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purporting to be signed by any person in his capacity of secretary-treasurer of the Board, shall be *prima facie* evidence of his signature and appointment or election.

Idem.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Idem.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Entitlement
to regis-
tration.

11. Any person carrying on business as a dental technician on the 31st day of March, 1946, shall be entitled as of right to registration upon applying to the Board for registration and paying the fee for registration prescribed by the regulations.

12. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties,
Rev. Stat.,
c. 136.

13. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commence-
ment of act.

14. This Act may be cited as *The Dental Technicians Act*, Short title.
1946.

BILL

An Act respecting Dental Technicians.

1st Reading

March 22nd, 1946

2nd Reading

March 29th, 1946

3rd Reading

MR. MILLEN

*(Reprinted as amended in Committee of the
Whole House.)*

No. 128

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Dental Technicians.

MR. MILLEN

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Dental Technicians.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Governing Board of Dental Technicians;
- (b) "dental technician" shall mean any person who upon the prescriptions or orders of legally qualified dentists or physicians makes, produces, reproduces, constructs, furnishes, supplies, alters or repairs any prosthetic denture, bridge, appliance or thing to be used in, upon or in connection with any human tooth, jaw or associated structure or tissue, or in the treatment of any condition thereof; and "dental technician";
- (c) "register" shall mean register under this Act. "register".

2.—(1) There shall be established a Board of Governors ^{Board.} to be known as the Governing Board of Dental Technicians, to be composed of five persons to be appointed by the Lieutenant-Governor in Council.

(2) Of the members of the Board first appointed, two shall ^{Term of office.} hold office for a period of two years and three shall hold office for a period of one year, and thereafter every member appointed shall hold office for a period of two years, but any member shall be eligible for re-appointment at the expiration of his term of office.

(3) Every vacancy on the Board caused by the death, ^{Vacancies.} resignation or incapacity of a member may be filled by the appointment, by the Lieutenant-Governor in Council, of a person to hold office for the remainder of the term of such member.

Officers.

(4) The Lieutenant-Governor in Council may designate one of the members of such Board to be the first chairman, one to be the first vice-chairman and one to be the first secretary-treasurer of the Board, and thereafter their successors in office shall be elected by the Board from time to time from amongst its members.

Regulations.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board may make regulations,—

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration not exceeding \$25 for each person registered;
- (b) prescribing the qualifications of persons so to be admitted and the proofs to be furnished as to education and good character;
- (c) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon not exceeding \$25 annually for each person registered;
- (d) prescribing the discipline and control of registered technicians, including the adoption and enforcement of any reasonable canons of ethics;
- (e) providing for the investigation of any complaint that a dental technician has been guilty of misconduct or displayed such incompetence as to render it desirable in the public interest that his registration should be cancelled or suspended;
- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent;
- (g) defining "misconduct" for the purpose of this section and the regulations;
- (h) providing for the payment of reasonable fees and disbursements to members of the Board in respect to the discharge of the duties of the Board; and
- (i) generally for the better carrying out of the provisions of this Act.

(2) All regulations made by the Board shall be submitted in writing to The Royal College of Dental Surgeons of Ontario not less than thirty days before being submitted to the Lieutenant-Governor in Council for approval, and any submissions on the part of the College with respect to any such regulations shall be presented to the Lieutenant-Governor in Council with the application for approval of the regulations.

Submission
to College.

4.—(1) Any person registered under this Act shall have the right to use the designation "Registered Dental Technician" and may describe his business as a dental laboratory.

Designa-
tion,—

(2) No person shall be entitled to use the designation "Dental Technician" or "Registered Dental Technician" or any other name, title, initials or description implying that he is a dental technician, unless he is registered under the provisions of this Act.

use of
prohibited.

5. Nothing in this Act or the regulations shall apply to or affect the practice of any profession or calling by any person practising the profession or engaged in the calling under the authority of any general or special Act of this legislature.

Right to
practice
profession.

6.—(1) Nothing in this Act or the regulations shall be deemed to prohibit any person from working as an employee of a legally qualified dentist, and in the course of or as the whole or a part of his duties as such employee, performing for his employer work or services of a kind ordinarily performed by a dental technician.

Employee
of dentist.

(2) Nothing in this Act shall be deemed to prohibit,—

Performance
of work
by others.

(a) a dentist within the meaning of *The Dentistry Act*;

(b) a physician within the meaning of *The Medical Act*;

(c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician; or

(d) apprenticed dental technicians and other persons working as employees of a register dental technician,

from performing work or services ordinarily performed by a dental technician.

(3) Nothing in this section shall be deemed to permit any person who is not a registered dental technician to engage generally in the service of dentists or of two or more dentists in the performance of the work of a dental technician but working in the service of a firm or association of dentists

General
work
prohibited.

practising as partners or similarly associated with one another shall be deemed working in the service of one dentist.

Corpora-
tions.

7. Nothing in this Act shall be deemed to prohibit any registered dental technician from carrying on business as a dental technician through and in the name of a corporation where the corporation has a registered dental technician in charge of its operations, but in such case, each of such dental technicians shall be deemed guilty of any infringement of *The Dentistry Act* or of this Act or of the regulations thereunder committed by such corporation.

Rev. Stat.,
c. 227
to apply.

8. Nothing in this Act or the regulations shall limit, alter or affect the application of any provision of *The Dentistry Act* or of any by-law made thereunder.

Offences.

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician or who advertises or uses or affixes any prefix to his name signifying that he is qualified to carry on business as a dental technician shall be guilty of an offence and shall incur a penalty of \$50 for a first offence, \$100 for a second offence, and \$200 for a third or subsequent offence.

Proof of
registration.

10.—(1) In all cases where proof of registration under this Act is required to be made, the production of a printed or other copy of the register, certified under the hand of the secretary-treasurer of the Board, shall be sufficient evidence of all persons who are registered dental technicians in lieu of the production of the original register, and any certificate upon such printed or other copy of the register purporting to be signed by any person in his capacity of secretary-treasurer of the Board, shall be *prima facie* evidence of his signature and appointment or election.

Idem.

(2) The absence of the name of any person from such copy shall be *prima facie* evidence that such person is not registered according to the provisions of this Act.

Idem.

(3) In the case of any person whose name does not appear in such copy, a certified copy under the hand of the secretary-treasurer of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

Entitlement
to regis-
tration.

11. Any person carrying on business as a dental technician on the 31st day of March, 1946, shall be entitled as of right to registration upon applying to the Board for registration and paying the fee for registration prescribed by the regulations.

12. The penalties imposed by this Act shall be recoverable under *The Summary Convictions Act*. Recovery of penalties, Rev. Stat., c. 136.

13. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

14. This Act may be cited as *The Dental Technicians Act*, Short title, 1946.

BILL

An Act respecting Dental Technicians.

1st Reading

March 22nd, 1946

2nd Reading

March 29th, 1946

3rd Reading

April 5th, 1946

MR. MULLEN

No. 129

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Securities Act, 1945.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. This amendment corrects a typographical error.

SECTION 2. Section 19 of *The Securities Act* reads in part,

19. Subject to the provisions of the regulations, registration shall not be required in respect of any of the following classes of trades or securities,—

.

- (t) trades in good faith by an actual prospector who staked or participated in the staking of the claims belonging to or to be acquired by the syndicate, of a security issued by a prospecting syndicate within the meaning of subsections 1 and 2 of section 2 of *The Prospecting Syndicate Agreements Act, 1945*, the prospecting syndicate agreement of which is filed thereunder, where the prospector delivers a copy of the prospecting syndicate agreement to the person purchasing the security before accepting payment therefor; or

.

The proposed provision authorizes the Securities Commission to exclude any person from the exemption provided by clause *t*, where the Commission would be warranted in refusing him registration under the Act.

SECTION 3. This amendment corrects a typographical error.

SECTION 4. The amendment provides that the powers which the Commission may exercise over the funds and securities of a person or company under the circumstances indicated in clauses *a* and *b* of section 30 of the Act (as set out in the Bill) may be exercised also where the Commission is about to review or during or after a review of the registration of a person or company. Review, as here used, refers to a review by the Commission of a registration made under the previous Act and which has continued under this Act and the Commission is required by section 82 of the present Act to review all such registrations as time permits.

BILL

An Act to amend The Securities Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of section 1 of *The Securities Act, 1945*, is ^{1945, c. 22, s. 1, cl. *n*, amended.} amended by striking out the words "or company" in the second line, so that the said clause shall now read as follows:

(*n*) "salesman" shall mean a person employed, appointed ^{"Salesman", meaning of.} or authorized by a broker to trade in securities whether directly or through sub-agents.

2. Section 19 of *The Securities Act, 1945*, is amended by ^{1945, c. 22, s. 19, amended.} adding thereto the following subsection:

(2) Where any prospector has been guilty of acts or ^{Exemption.} conduct which would warrant the Commission refusing to grant registration to him under this Act, the Commission may rule that the provisions of clause *t* of subsection 1 shall not apply to him or to any member of a syndicate of which he is a member.

3. Subsection 1 of section 21 of *The Securities Act, 1945*, is ^{1945, c. 22, s. 21, subs. 1, amended.} amended by striking out the word "upon" in the first line following clause *c* and inserting in lieu thereof the word "such".

4. Subsection 1 of section 30 of *The Securities Act, 1945*, ^{1945, c. 22, s. 30, subs. 1, amended.} is repealed and the following substituted therefor:

(1) The Commission may,—

Order to
hold or
refrain from
dealing
with funds.

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27;
- (b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company; or
- (c) where it is about to review or during or after the review of the registration of any person or company under the provisions of section 82,

in writing or by telegram direct any person or company having on deposit or under control or for safe keeping any funds or securities of the person or company referred to in clause *a*, *b* or *c*, to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

R.S.C.,
c. 11.

Rev. Stat.,
cc. 100, 251.

R.S.C.,
c. 213.

1945, c. 22,
amended.

5. *The Securities Act*, 1945, is amended by adding thereto the following section:

30a.—(1) The Commission may,—

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27;

Application
for appoint-
ment of
receiver,
trustee and
manager.

SECTION 5. In the circumstances indicated in clauses *a*, *b* and *c* of the proposed section 30*a*, the Commission may apply to the Supreme Court for the appointment of a receiver, trustee and manager of the property of a person or company. As to the form of and procedure upon the application and the powers of the receiver, see the proposed section. Clauses *a*, *b* and *c* of section 1 follow the form of the corresponding clauses of section 30 of the Act, dealt with and set out in section 4 of this Bill.

SECTION 6, 8¹ and 9. A clearer distinction between the terms "file" and "register" as used in the Act, is effected.

(b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company; or

(c) where it is about to review or during or after the review of the registration of any person or company under the provisions of section 82,

by originating notice apply to a judge of the Supreme Court for the appointment of a receiver, trustee and manager of the property of such person or company.

(2) Upon an application made under subsection 1, the Court may, where it is satisfied that the appointment of a receiver, trustee and manager of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, trustee and manager of the property of such person or company.

(3) Upon an *ex parte* application made by the Commission under this section the Court may make an order under subsection 2 appointing a receiver, trustee and manager for a period not exceeding eight days.

(4) A receiver, trustee and manager of the property of any person or company appointed under this section shall be the receiver, trustee and manager of all of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, trustee and manager shall have authority to manage the business and affairs of the person or company and all powers necessary or incidental thereto.

(5) An order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

(6) Upon an application made under this section the Rules of Practice of the Supreme Court shall apply.

6. Clause *a* of subsection 7 of section 49 of *The Securities Act, 1945*, is repealed and the following substituted therefor:

1945, c. 22,
s. 49, subs. 7,
cl. *a*,
re-enacted.

- (a) which come within the classes of trades or securities in respect of which registration is not required.

1945,
c. 22, s. 55,
amended.

7. Section 55 of *The Securities Act, 1945*, is amended by adding thereto the following subsection:

When
section not
applicable.

(2) This section shall not be applicable to,—

- (a) a trade through a broker who is not engaged in the primary distribution to the public of the security but is acting as the agent of the purchaser; or
- (b) a sale by a person who is not engaged in the primary distribution to the public of the security.

1945, c. 22,
s. 60, subs. 2.
cl. b,
re-enacted.

8. Clause *b* of subsection 2 of section 60 of *The Securities Act, 1945*, is repealed and the following substituted therefor:

- (b) to the sale of any securities which come within the classes of trades or securities in respect of which registration is not required.

1945, c. 22,
s. 78,
cls. l, m,
re-enacted

9. Clauses *l* and *m* of section 78 of *The Securities Act, 1945*, are repealed and the following substituted therefor:

- (l) prescribing classes of trades or securities, in addition to the classes of trades and securities mentioned in section 19, in respect of which registration shall not be required;
- (m) prescribing classes of trades or securities mentioned in section 19 in respect of which there shall cease to be exemption from registration.

1945,
c. 22, s. 82,
amended.

10. Section 82 of *The Securities Act, 1945*, is amended by adding at the end thereof the words "notwithstanding any renewal of such registration under this Act", so that the said section shall now read as follows:

Present
registration
continued
in force.

82. Every registration in force under *The Securities Act* at the date of the coming into force of this Act shall continue in force as a registration under this Act and subject to the provisions thereof but shall be reviewed by the Commission as soon as may be notwithstanding any renewal of such registration under this Act.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title

12. This Act may be cited as *The Securities Amendment Act, 1946*.

SECTION 7. This provision is of a clarifying nature only. The language follows that of the concluding portion of the definition of "primary distribution to the public" in clause *j* of section 1 of the Act.

SECTION 10. This provision also is for the purpose of clarifying the Act. It becomes necessary because of the fact that owing to the number of registrations which were in force under the previous Act and the work involved in reviewing each of them, many of them will expire under this Act and will require to be renewed before a review of them, as required by section 82, can be made.

BILL

An Act to amend The Securities Act, 1945.

1st Reading

March 25th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 129

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Securities Act, 1945.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Securities Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *n* of section 1 of *The Securities Act, 1945*, is ^{1945, c. 22, s. 1, cl. *n*, amended.} amended by striking out the words "or company" in the second line, so that the said clause shall now read as follows:

(*n*) "salesman" shall mean a person employed, appointed ^{"Salesman", meaning of.} or authorized by a broker to trade in securities whether directly or through sub-agents.

2. Section 19 of *The Securities Act, 1945*, is amended by ^{1945, c. 22, s. 19, amended.} adding thereto the following subsection:

(2) Where any prospector has been guilty of acts or ^{Exemption.} conduct which would warrant the Commission refusing to grant registration to him under this Act, the Commission may rule that the provisions of clause *t* of subsection 1 shall not apply to him or to any member of a syndicate of which he is a member.

3. Subsection 1 of section 21 of *The Securities Act, 1945*, is ^{1945, c. 22, s. 21, subs. 1, amended.} amended by striking out the word "upon" in the first line following clause *c* and inserting in lieu thereof the word "such".

4. Subsection 1 of section 30 of *The Securities Act, 1945*, ^{1945, c. 22, s. 30, subs. 1, amended.} is repealed and the following substituted therefor:

(1) The Commission may,—

Order to hold or refrain from dealing with funds.

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27;
- (b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company; or
- (c) where it is about to review or during or after the review of the registration of any person or company under the provisions of section 82,

in writing or by telegram direct any person or company having on deposit or under control or for safe keeping any funds or securities of the person or company referred to in clause *a*, *b* or *c*, to hold such funds or securities or direct the person or company referred to in clause *a*, *b* or *c* to refrain from withdrawing any such funds or securities from any other person or company having any of them on deposit, under control or for safe keeping or to hold all funds or securities of clients or others in his possession or control in trust for any interim receiver, custodian, trustee, receiver or liquidator appointed under the provisions of the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Companies Act* or the *Winding-up Act* (Canada), or until the Commission in writing revokes such direction or consents to release any particular fund or security from such direction, provided that no such direction shall apply to funds or securities in a stock exchange clearing house or to securities in process of transfer by a transfer agent unless such direction expressly so states, and in the case of a bank, loan or trust company the direction shall only apply to the offices, branches or agencies thereof named in the direction.

R.S.C.,
c. 11.

Rev. Stat.,
cc. 100, 251.

R.S.C.,
c. 213.

1945, c. 22,
amended.

5. *The Securities Act, 1945*, is amended by adding thereto the following section:

Application
for appointment
of
receiver,
trustee and
manager.

30a.—(1) The Commission may,—

- (a) where it is about to investigate or during or after the investigation of any person or company under the provisions of section 25 or 27;

(b) where criminal proceedings or proceedings in respect of a violation of this Act or the regulations are about to be or have been instituted against any person or company which in the opinion of the Commission are connected with or arise out of any security or any trade therein, or out of any business conducted by such person or company; or

(c) where it is about to review or during or after the review of the registration of any person or company under the provisions of section 82,

by originating notice apply to a judge of the Supreme Court for the appointment of a receiver, trustee and manager of the property of such person or company.

(2) Upon an application made under subsection 1, the Court may, where it is satisfied that the appointment of a receiver, trustee and manager of the property of any person or company is in the best interests of the creditors of such person or company or of persons or companies any of whose property is in the possession or under the control of such person or company, appoint a receiver, trustee and manager of the property of such person or company.

(3) Upon an *ex parte* application made by the Commission under this section the Court may make an order under subsection 2 appointing a receiver, trustee and manager for a period not exceeding eight days.

(4) A receiver, trustee and manager of the property of any person or company appointed under this section shall be the receiver, trustee and manager of all of the property belonging to the person or company or held by the person or company on behalf of or in trust for any other person or company, and the receiver, trustee and manager shall have authority to manage the business and affairs of the person or company and all powers necessary or incidental thereto.

(5) An order made under this section may be enforced in the same manner as any other order or judgment of the Supreme Court and may be varied or discharged upon an application made by notice.

(6) Upon an application made under this section the Rules of Practice of the Supreme Court shall apply.

6. Clause *a* of subsection 7 of section 49 of *The Securities Act, 1945*, is repealed and the following substituted therefor:

1945, c. 22,
s. 49, subs. 7,
cl. *a*,
re-enacted.

- (a) which come within the classes of trades or securities in respect of which registration is not required.

1945,
c. 22, s. 55,
amended.

7. Section 55 of *The Securities Act, 1945*, is amended by adding thereto the following subsection:

When
section not
applicable.

(2) This section shall not be applicable to,—

- (a) a trade through a broker who is not engaged in the primary distribution to the public of the security but is acting as the agent of the purchaser; or
- (b) a sale by a person who is not engaged in the primary distribution to the public of the security.

1945, c. 22,
s. 60, subs. 2.
cl. b.
re-enacted.

8. Clause *b* of subsection 2 of section 60 of *The Securities Act, 1945*, is repealed and the following substituted therefor:

- (b) to the sale of any securities which come within the classes of trades or securities in respect of which registration is not required.

1945, c. 22,
s. 78,
cls. l, m,
re-enacted

9. Clauses *l* and *m* of section 78 of *The Securities Act, 1945*, are repealed and the following substituted therefor:

- (l) prescribing classes of trades or securities, in addition to the classes of trades and securities mentioned in section 19, in respect of which registration shall not be required;
- (m) prescribing classes of trades or securities mentioned in section 19 in respect of which there shall cease to be exemption from registration.

1945,
c. 22, s. 82,
amended.

10. Section 82 of *The Securities Act, 1945*, is amended by adding at the end thereof the words "notwithstanding any renewal of such registration under this Act", so that the said section shall now read as follows:

Present
registration
continued
in force.

82. Every registration in force under *The Securities Act* at the date of the coming into force of this Act shall continue in force as a registration under this Act and subject to the provisions thereof but shall be reviewed by the Commission as soon as may be notwithstanding any renewal of such registration under this Act.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title

12. This Act may be cited as *The Securities Amendment Act, 1946*.

BILL

An Act to amend The Securities Act, 1945.

1st Reading

March 25th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. BLACKWELL

No. 130

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Minors' Protection Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Minors' Protection Act.

1st Reading

March 27th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 130

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Minors' Protection Act.

MR. BLACKWELL

TORONTO
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BILL

An Act to amend The Minors' Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Minors' Protection Act* is amended by striking out the words "without the consent of his parent or guardian" in the fourth and fifth lines and inserting in lieu thereof the words "unless such child is accompanied by his parent or legal guardian", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 296,
s. 1, subs. 1,
amended.

(1) The keeper of a licensed billiard, pool or bagatelle room, kept directly or indirectly for hire or gain shall not admit a child under the age of eighteen years thereto, or allow him to remain therein unless such child is accompanied by his parent or legal guardian.

Penalty for
admitting
minor under
eighteen.

(2) Subsection 2 of the said section 1 is amended by striking out the words "that such consent had been given by the parent or guardian, or" in the fifth and sixth lines so that the said subsection shall now read as follows:

Rev. Stat.,
c. 296, s. 1,
subs. 2,
amended.

(2) This section shall not apply to a child who is a member of the family of the keeper or his servant, or does not go to the billiard, pool or bagatelle room for the purpose of loitering or to play billiards, pool or bagatelle therein, nor where the keeper had reasonable cause to believe that such child was not under the age of eighteen.

When Act
not to apply.

2. This Act may be cited as *The Minors' Protection Amendment Act, 1946*.

Short title.

BILL

An Act to amend 'The Minors'
Protection Act.

1st Reading

March 27th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. BLACKWELL

No. 131

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mining Tax Act.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. "mining rights" and "municipality" defined.

SECTION 2—Subsection 1. Subsection 3 of section 4 of the Act prescribes the manner of ascertaining and fixing annual profits and permits the deduction prescribed in clause *j* which reads as follows:

- (*j*) All taxes payable or profits taken under any Act of the Parliament of the United Kingdom (in so far as the same are referable to operations carried on in the United Kingdom) or of the Parliament of the Dominion of Canada, upon or from the profits of the mine or mining work or upon or from the profits made in smelting, refining, or otherwise treating any of the products of the mine or mineral work.

This amendment, which repeals clause *j*, will come into force on a day to be named by Proclamation.

Subsection 2. The amendment to subsection 4 of section 4 is inserted to correct an obvious typographical error.

SECTION 3—Section 14, subsection 1, clauses *a*, *b*, *c*, *d* and *e*. The object of this section is to increase the acreage tax from 5 to 10 cents per acre and to tax mining rights in municipalities as well as mining lands in unorganized territory, in order that the Province may exercise a measure of control of the mineral resources, whether in municipalities or otherwise, and secure a reversion of the mining rights where the taxes are in arrear, so that they may be declared open for staking and thus encourage mining development.

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1941*, is further amended by adding thereto the following clauses:

(bb) "Mining rights" shall include ores, mines, minerals and mineral rights of every kind;

(cc) "Municipality" shall include improvement district.

2.—(1) Clause *j* of subsection 3 of section 4 of *The Mining Tax Act* is repealed.

(2) Subsection 4 of the said section 4 is amended by striking out the word "deducation" in the first line and inserting in lieu thereof the word "deduction".

(3) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

3. Section 14 of *The Mining Tax Act*, as amended by section 3 of *The Mining Tax Amendment Act, 1941*, is repealed and the following substituted therefor:

14.—(1) Except as hereinafter provided,—

(a) every mining location and mining claim in unorganized territory held either mediately or immediately under patent, lease or license of occupation acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;

(b) all land in unorganized territory being held or used for mining purposes howsoever patented or alienated from the Crown;

Acreage
tax.

- (c) all mining rights in, upon or under every mining location and mining claim situated within the limits of a municipality and patented, leased or granted under license of occupation acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (d) all mining rights in, upon or under land situated within the limits of a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of ten cents per acre in each year, provided that the minimum tax on any mining location, mining claim or mining rights shall not be less than one dollar in each year.

Mining rights in municipality exempted.

Proviso.

Exemption of natural gas and petroleum holdings in southern Ontario.

Exemption of agricultural lands.

Proviso.

- (2) No such tax shall be payable in respect of the mining rights in, upon or under any lands situated within the limits of a municipality where such lands have been laid out as a townsite or subdivided into lots or parcels for city, town, village, park or summer resort purposes, but this subsection shall not exempt the mining rights from taxation where they are severed or held apart or separate from the surface rights.
- (3) No such tax shall be payable in respect of the mining rights in, upon or under any lands being held, used or developed solely for the production of natural gas or petroleum situated south of the French river, Lake Nipissing and the Mattawa river, and including the district of Manitoulin.
- (4) No such tax shall be payable in respect of such acreage as was during the preceding year actually and *bona fide* in use for farming purposes or occupied by buildings or reasonably required or used in connection with such farming or buildings, but this subsection shall not exempt from taxation the mining rights held apart or separate from the surface rights nor shall there be any right to exemption unless a claim for such exemption has been made and proof by affi-

Section 14, subsection 2. Mining rights under town and city lots are exempted from tax, as it is not practicable to levy acreage taxes on the same. The cost of collecting the tax in such cases would be far in excess the revenue realized; nor is it desirable that the mining rights in such lands should be forfeited and thrown open for staking.

Section 14, subsection 3. The natural gas resources of Southwestern Ontario are rapidly becoming depleted and to collect acreage tax on such lands would only add to the burden of a failing industry.

Section 14, subsection 4. This is a re-enactment of the present subsection 2 of section 14 and is self-explanatory.

SECTION 4. The provisions as to publication and approval of regulations are now prescribed by *The Regulations Act, 1944*.

SECTION 5. Commencement of Act.

SECTION 6. Short title.

davit or otherwise of the facts has been furnished to the Department of Mines not later than the 1st day of March of the year in which the tax is payable nor unless such claim for exemption shall have been approved in writing by the mine assessor.

- (5) The decision of the mine assessor as to the right of exemption under this section shall be final and conclusive. Mine assessor's decision final.

4. Section 47 of *The Mining Tax Act* is amended by Rev. Stat., c. 28, s. 47, amended. striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows:

47. The Lieutenant-Governor in Council may make Regulations, regulations for carrying out the purposes of this Act.

5. This Act except subsection 1 of section 2 shall come into force on the day on which it receives the Royal Assent and shall be deemed to have had effect on and from the 1st day of January, 1946. Commencement of Act,—exception as to s. 2, subs. 1.

6. This Act may be cited as *The Mining Tax Amendment Act, 1946*. Short title.

BILL

An Act to amend The Mining Tax Act.

1st Reading

March 27th, 1946

2nd Reading

3rd Reading

MR. FROST

No. 131

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mining Tax Act.

MR. FROST

TORONTO
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BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Mining Tax Act*, as amended by section 1 of *The Mining Tax Amendment Act, 1941*, is further amended by adding thereto the following clauses:

(bb) "Mining rights" shall include ores, mines, minerals and mineral rights of every kind; Rev. Stat., c. 28, s. 1, amended. "Mining rights."

(cc) "Municipality" shall include improvement district. "Municipality."

2.—(1) Clause *j* of subsection 3 of section 4 of *The Mining Tax Act* is repealed. Rev. Stat., c. 28, s. 4, subs. 3, cl. j, repealed.

(2) Subsection 4 of the said section 4 is amended by striking out the word "deducation" in the first line and inserting in lieu thereof the word "deduction". Rev. Stat., c. 28, s. 4, subs. 4, amended.

(3) Subsection 1 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of subs. 1.

3. Section 14 of *The Mining Tax Act*, as amended by section 3 of *The Mining Tax Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 14; re-enacted.

14.—(1) Except as hereinafter provided,—

Acreage tax.

(a) every mining location and mining claim in unorganized territory held either mediately or immediately under patent, lease or license of occupation acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;

(b) all land in unorganized territory being held or used for mining purposes howsoever patented or alienated from the Crown;

- (c) all mining rights in, upon or under every mining location and mining claim situated within the limits of a municipality and patented, leased or granted under license of occupation acquired under or pursuant to the provisions of any statute, regulation or law at any time in force authorizing the granting or leasing of Crown lands for mining purposes;
- (d) all mining rights in, upon or under land situated within the limits of a municipality and being held or used for mining purposes howsoever patented or alienated from the Crown; and
- (e) all mining rights howsoever patented or acquired which are severed from or held apart or separate from the surface rights,

shall be liable for, and the owner, holder, lessee and occupier thereof shall pay an acreage tax of ten cents per acre in each year, provided that the minimum tax on any mining location, mining claim or mining rights shall not be less than one dollar in each year.

Mining rights in municipality exempted.

Proviso.

Exemption of natural gas and petroleum holdings in southern Ontario.

Exemption of agricultural lands.

Proviso.

- (2) No such tax shall be payable in respect of the mining rights in, upon or under any lands situated within the limits of a municipality where such lands have been laid out as a townsite or subdivided into lots or parcels for city, town, village, park or summer resort purposes, but this subsection shall not exempt the mining rights from taxation where they are severed or held apart or separate from the surface rights.
- (3) No such tax shall be payable in respect of the mining rights in, upon or under any lands being held, used or developed solely for the production of natural gas or petroleum situated south of the French river, Lake Nipissing and the Mattawa river, and including the district of Manitoulin.
- (4) No such tax shall be payable in respect of such acreage as was during the preceding year actually and *bona fide* in use for farming purposes or occupied by buildings or reasonably required or used in connection with such farming or buildings, but this subsection shall not exempt from taxation the mining rights held apart or separate from the surface rights nor shall there be any right to exemption unless a claim for such exemption has been made and proof by affi-

davit or otherwise of the facts has been furnished to the Department of Mines not later than the 1st day of March of the year in which the tax is payable nor unless such claim for exemption shall have been approved in writing by the mine assessor.

- (5) The decision of the mine assessor as to the right of exemption under this section shall be final and conclusive. Mine assessor's decision final.

4. Section 47 of *The Mining Tax Act* is amended by striking out all the words after the word "Act" in the second line, so that the said section shall now read as follows: Rev. Stat., c. 28, s. 47, amended.

47. The Lieutenant-Governor in Council may make Regulations . regulations for carrying out the purposes of this Act.

5. This Act except subsection 1 of section 2 shall come into force on the day on which it receives the Royal Assent and shall be deemed to have had effect on and from the 1st day of January, 1946. Commencement of Act, exception as to s. 2, subs. 1.

6. This Act may be cited as *The Mining Tax Amendment Act, 1946*. Short title.



BILL

An Act to amend The Mining Tax Act.

1st Reading

March 27th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 1st, 1946

MR. FROST

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Weed Control Act.

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. Self-explanatory.

SECTION 2. The section of the Act provided for the making of regulations is extended to include matters indicated in the new clauses.

SECTION 3. The compulsory appointment of weed inspectors is placed on a county basis instead of a township basis as presently exists.

BILL

An Act to amend The Weed Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Weed Control Act* is amended by adding thereto the following clause:

(i) "Weed seed" shall mean seed of a noxious weed. "Weed seed", defined.

2. Clause *d* of section 2 of *The Weed Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 344, s. 2, cl. d, re-enacted.

(d) prescribing the method and procedure for destroying noxious weeds and weed seeds;

(e) regulating and prohibiting the transportation of feed, grain, plants and screenings infested with weed seeds;

(f) prescribing the powers and duties of district inspectors and inspectors;

(g) providing for the reimbursement of any municipality for any part of the moneys expended by it in carrying out the provisions of the Act and regulations; and

(h) generally for the better carrying out of the provisions of this Act.

3. Section 5 of *The Weed Control Act* is repealed and the following substituted therefor: Rev. Stat., c. 344, s. 5, re-enacted.

5.—(1) The council of every county, city and separated town and the council of every township and village in unorganized territory shall appoint at least one inspector to enforce the provisions of this Act and the regulations and shall fix the amount of remuneration, fees or charges he is to receive. Inspectors,—appoint ment of; remuneration.

Idem.

- (2) The council of a township in a county may appoint one or more inspectors to enforce the provisions of this Act and the regulations and may provide for the remuneration, fees or charges he is to receive.

Division of municipality into sections.

- (3) The council of any municipality mentioned in subsection 1 or 2 may by by-law divide the municipality into sections and may appoint an inspector or inspectors for each section.

Rev. Stat., c. 344, s. 6, subs. 1, amended.

4. Subsection 1 of section 6 of *The Weed Control Act* is amended by inserting after the word "in" in the second line the words and figure "subsection 1 of", so that the said subsection shall now read as follows:

Inspector,—appointment of, by Minister.

- (1) Where a council neglects or refuses to appoint an inspector as provided in subsection 1 of section 5 the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors.

Rev. Stat., c. 344, s. 8, repealed.

5. Section 8 of *The Weed Control Act* is repealed.

Rev. Stat., c. 344, s. 10, subs. 5, re-enacted.

6. Subsection 5 of section 10 of *The Weed Control Act* is repealed and the following substituted therefor:

Statement of expenses.

- (5) The inspector shall also present to the council a similar statement, verified by oath where the amount exceeds \$5, of the expenses incurred by him in carrying out the provisions of this Act upon the land belonging to any person who does not reside in the municipality, and the council shall audit the account and order the amount which it finds payable to be paid from the general funds of the corporation.

Rev. Stat., c. 344, s. 11, subs. 1, amended.

- 7.—(1) Subsection 1 of section 11 of *The Weed Control Act* as amended by section 2 of *The Weed Control Amendment Act, 1940*, is further amended by striking out the words "city, town, village or township" in the fourth line and inserting in lieu thereof the words "county, city or separated town or any township or village in unorganized territory", and by striking out the words "city, town, village or township" in the fifth and sixth lines and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Notice requiring destruction.

- (1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any county, city or separated town or any

SECTION 5. The provision which restricts the powers of inspectors with regard to the destruction of crops is repealed.

SECTION 6. The purpose of the amendment is clarification only.

SECTION 7. The amendments are complementary to the change in principle effected by section 3 of the Bill.

SECTION 8. The repealed provisions are unnecessary.

township or village in unorganized territory shall forthwith deliver or send by registered mail to the clerk of such county, city, separated town, township or village a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice.

(2) Subsection 2 of the said section 11 is amended by striking out the words "city, town, village or township" in the first and second lines and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 344, s. 11,
subs. 2,
amended.

(2) In case default is made by any county, city, separated town, township or village in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper.

Right of
entry.

(3) Subsection 3 of the said section 11 is amended by striking out the words "city, town, village or township" where they occur in the fourth line and in the tenth and eleventh lines respectively and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 344, s. 11,
subs. 3,
amended.

(3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the county, city, separated town, township or village in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the county, city, separated town, township or village, as the case may be, in respect of such expenditures.

Expenses,—
how payable.

8. Subsections 4 and 5 of section 13 of *The Weed Control Act* are repealed.

Rev. Stat.,
c. 344, s. 13,
subs. 4, 5,
repealed.

Rev. Stat.,
c. 344, s. 16,
amended.

9. Section 16 of *The Weed Control Act* is amended by adding at the end thereof the words "or in any other place where such depositing is likely to cause the spread of noxious weeds to adjoining property", so that the said section shall now read as follows:

Depositing
noxious
weeds on
road pro-
hibited.

16. No person shall deposit or permit to be deposited any noxious weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water or in any other place where such depositing is likely to cause the spread of noxious weeds to adjoining property.

Rev. Stat.,
c. 344, s. 17,
amended.

10. Section 17 of *The Weed Control Act* is amended by inserting after the word "threshing" in the second line the words "combining, seed cleaning, chopping, baling, silo filling or processing", so that the said section shall now read as follows:

Threshing
machine,—
cleaning of.

17. Every person in possession or charge of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or processing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse.

Rev. Stat.,
c. 344,
amended.

11. *The Weed Control Act* is amended by adding thereto the following section:

License to
operate seed
cleaning
plant.

18.—(1) No person shall operate a seed cleaning plant except under the authority of a license issued by the Minister.

Application
for license.

(2) Every application for a license shall be in the form prescribed by the Minister.

Yearly
license.

(3) Every license shall expire on the 31st day March next following the issue thereof and may be renewed from year to year.

Fee.

(4) The fee for a license or renewal thereof shall be \$1 but no fee shall be charged when the seed cleaning plant is used only for cleaning the grain and seed of the owner thereof.

Short title.

12. This Act may be cited as *The Weed Control Amendment Act, 1946*.

SECTION 9. The scope of section 16 of the Act which is a prohibition section is extended by the addition of the words indicated.

SECTION 10. The section requiring the cleaning of threshing machines is extended to include combining, seed cleaning, chopping, baling, silo filling and processing machinery.

SECTION 11. Seed cleaning plants will be licensed.

BILL

An Act to amend The Weed Control Act.

1st Reading

March 27th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

1946

No. 132

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Weed Control Act.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act to amend The Weed Control Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Weed Control Act* is amended by adding thereto the following clause:

Rev. Stat.,
c. 344, s. 1,
amended.

(i) "Weed seed" shall mean seed of a noxious weed.

"Weed
seed",
defined.

2. Clause *d* of section 2 of *The Weed Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 344, s. 2,
cl. *d*, re-
enacted.

(*d*) prescribing the method and procedure for destroying noxious weeds and weed seeds;

(*e*) regulating and prohibiting the transportation of feed, grain, plants and screenings infested with weed seeds;

(*f*) prescribing the powers and duties of district inspectors and inspectors;

(*g*) providing for the reimbursement of any municipality for any part of the moneys expended by it in carrying out the provisions of the Act and regulations; and

(*h*) generally for the better carrying out of the provisions of this Act.

3. Section 5 of *The Weed Control Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 344, s. 5,
re-enacted.

5.—(1) The council of every county, city and separated town and the council of every township and village in unorganized territory shall appoint at least one inspector to enforce the provisions of this Act and the regulations and shall fix the amount of remuneration, fees or charges he is to receive.

Inspectors,—
appoint-
ment of;
remunera-
tion.

Idem.

- (2) The council of a township in a county may appoint one or more inspectors to enforce the provisions of this Act and the regulations and may provide for the remuneration, fees or charges he is to receive.

Division
of municipality
into
sections.

- (3) The council of any municipality mentioned in subsection 1 or 2 may by by-law divide the municipality into sections and may appoint an inspector or inspectors for each section.

Rev. Stat.,
c. 344, s. 6,
subs. 1,
amended.

4. Subsection 1 of section 6 of *The Weed Control Act* is amended by inserting after the word "in" in the second line the words and figure "subsection 1 of", so that the said subsection shall now read as follows:

Inspector,—
appointment
of, by
Minister.

- (1) Where a council neglects or refuses to appoint an inspector as provided in subsection 1 of section 5 the Minister may by writing under his hand, appoint an inspector or inspectors for the municipality and may fix the amount of the remuneration, fees or charges payable to such inspector or inspectors.

Rev. Stat.,
c. 344, s. 8,
repealed.

5. Section 8 of *The Weed Control Act* is repealed.

Rev. Stat.,
c. 344, s. 10,
subs. 5,
re-enacted.

6. Subsection 5 of section 10 of *The Weed Control Act* is repealed and the following substituted therefor:

Statement
of expenses.

- (5) The inspector shall also present to the council a similar statement, verified by oath where the amount exceeds \$5, of the expenses incurred by him in carrying out the provisions of this Act upon the land belonging to any person who does not reside in the municipality, and the council shall audit the account and order the amount which it finds payable to be paid from the general funds of the corporation.

Rev. Stat.,
c. 344, s. 11,
subs. 1,
amended.

- 7.—(1) Subsection 1 of section 11 of *The Weed Control Act* as amended by section 2 of *The Weed Control Amendment Act, 1940*, is further amended by striking out the words "city, town, village or township" in the fourth line and inserting in lieu thereof the words "county, city or separated town or any township or village in unorganized territory", and by striking out the words "city, town, village or township" in the fifth and sixth lines and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Notice
requiring
destruction.

- (1) Notwithstanding the provisions of the preceding sections any district inspector who finds any noxious weeds or weed seeds on any land within the corporate limits of any county, city or separated town or any

township or village in unorganized territory shall forthwith deliver or send by registered mail to the clerk of such county, city, separated town, township or village a notice requiring the destruction of such noxious weeds or weed seeds, or both, before a date to be named in such notice.

(2) Subsection 2 of the said section 11 is amended by striking out the words "city, town, village or township" in the first and second lines and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 344, s. 11,
subs. 2,
amended.

(2) In case default is made by any county, city, separated town, township or village in complying with the requirements of a notice given pursuant to this section, any district inspector or any person or persons authorized by him may with such teams, machinery and equipment as may be deemed necessary, enter upon any or all of the lands upon which or upon any part of which any noxious weeds or weed seeds are found and proceed to destroy such noxious weeds in such manner as the district inspector may deem proper.

Right of
entry.

(3) Subsection 3 of the said section 11 is amended by striking out the words "city, town, village or township" where they occur in the fourth line and in the tenth and eleventh lines respectively and inserting in lieu thereof the words "county, city, separated town, township or village", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 344, s. 11,
subs. 3,
amended.

(3) All expenses incurred by any district inspector in the destruction of noxious weeds or weed seeds pursuant to the provisions of this section shall be payable on demand by the county, city, separated town, township or village in respect of which the same were incurred and may be recovered by suit brought in any court of competent jurisdiction by the Minister in the name of His Majesty as a debt due to the Crown and in any such suit a certificate under the hand of the Minister as to the amount of such expenditures shall be accepted as conclusive evidence of the amount of the indebtedness of the county, city, separated town, township or village, as the case may be, in respect of such expenditures.

Expenses,—
how payable

8. Subsections 4 and 5 of section 13 of *The Weed Control Act* are repealed.

Rev. Stat.,
c. 344, s. 13,
subs. 4, 5,
repealed.

Rev. Stat.,
c. 344, s. 16,
amended.

9. Section 16 of *The Weed Control Act* is amended by adding at the end thereof the words "or in any other place where such depositing is likely to cause the spread of noxious weeds to adjoining property", so that the said section shall now read as follows:

Depositing
noxious
weeds on
road pro-
hibited.

16. No person shall deposit or permit to be deposited any noxious weeds or weed seeds on any road, road allowance, highway, street or lane or in any river, stream, lake or body of water or in any other place where such depositing is likely to cause the spread of noxious weeds to adjoining property.

Rev. Stat.,
c. 344, s. 17,
amended.

10. Section 17 of *The Weed Control Act* is amended by inserting after the word "threshing" in the second line the words "combining, seed cleaning, chopping, baling, silo filling or processing", so that the said section shall now read as follows:

Threshing
machine,—
cleaning of.

17. Every person in possession or charge of any machine used for threshing, combining, seed cleaning, chopping, baling, silo filling or processing shall, before removing such machine, or any equipment used in connection therewith, to another farm, or before travelling upon any public roadway, clean or cause the same to be cleaned thoroughly both inside and out, by the removal of all seeds and other crop refuse.

Rev. Stat.,
c. 344,
amended.

11. *The Weed Control Act* is amended by adding thereto the following section:

License to
operate seed
cleaning
plant.

18.—(1) No person shall operate a seed cleaning plant except under the authority of a license issued by the Minister.

Application
for license.

(2) Every application for a license shall be in the form prescribed by the Minister.

Yearly
license.

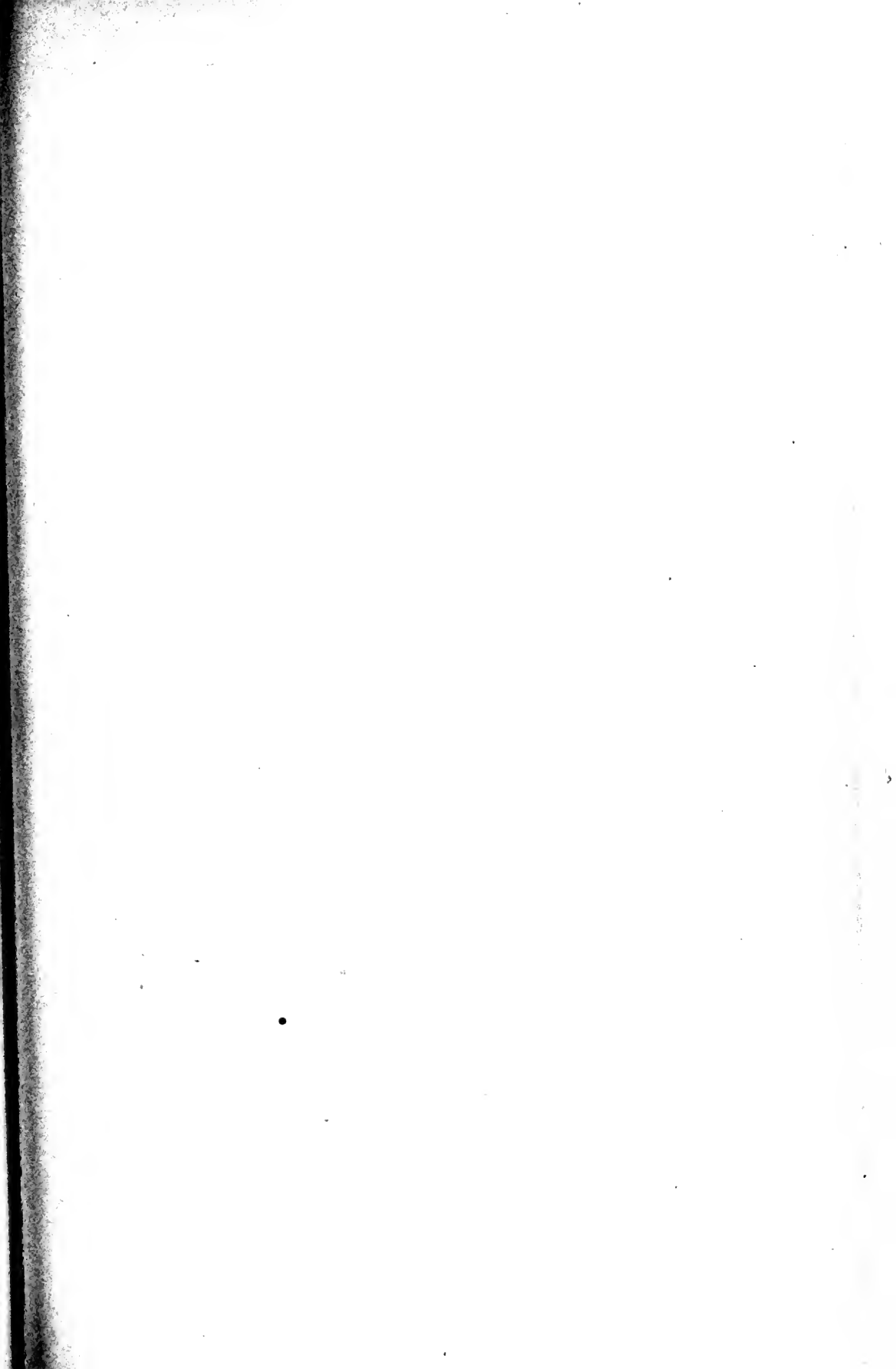
(3) Every license shall expire on the 31st day March next following the issue thereof and may be renewed from year to year.

Fee.

(4) The fee for a license or renewal thereof shall be \$1 but no fee shall be charged when the seed cleaning plant is used only for cleaning the grain and seed of the owner thereof.

Short title.

12. This Act may be cited as *The Weed Control Amendment Act, 1946*.



BILL

An Act to amend The Weed Control Act.

1st Reading

March 27th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. KENNEDY

No. 133

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act to provide for the establishment of Conservation Authorities for
the purposes of the Conservation, Restoration and Development
of Natural Resources, other than Gas, Oil, Coal and Minerals
and for the Prevention of Floods and of Water Pollution.**

MR. PORTER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

GENERAL. The purpose of the Bill is to provide for the establishment of conservation authorities in various parts of Ontario. Authorities may be established by the Lieutenant-Governor in Council where a desire therefor has been indicated by not less than three municipalities situate either wholly or partly within a watershed or within two or more watersheds and certain conditions have been complied with. An authority may be given jurisdiction over all or part of a watershed or of two or more watersheds. The purpose of the establishment of an authority is the undertaking of a scheme by the authority and "scheme" is defined in clause *j* of section 1.

The general plan of the Act follows that of *The Grand River Conservation Act, 1938*, and *The Thames River Control Act, 1943*,—that is to say, where an authority has been constituted under the Act its procedure and powers will be largely the same as those vested in the respective commissions under the two Acts indicated above, subject, however, to the wider definition of "scheme" as contained in this Bill.

BILL

An Act to provide for the establishment of Conservation Authorities for the purposes of the Conservation, Restoration and Development of Natural Resources, other than Gas, Oil, Coal and Minerals and for the Prevention of Floods and of Water Pollution.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "advisory board" shall mean an advisory board appointed by an authority; "advisory board";
- (b) "authority" shall mean a conservation authority established under this Act; "authority";
- (c) "chief officer" shall mean the chief officer of an authority; "chief officer";
- (d) "executive committee" shall mean executive committee appointed by an authority; "executive committee";
- (e) "land" shall include buildings and any estate, term, easement, right or interest in, to, over or affecting land;
- (f) "municipality" shall mean a city, town, village and township; "municipality";
- (g) "owner" shall include a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested;
- (h) "participating municipality" shall mean, subject to section 4, a municipality which, "participating municipality";

- (i) is either wholly or partly within a watershed,
- (ii) may benefit by a scheme established therein, and
- (iii) is declared by the Lieutenant-Governor in Council to be a participating municipality for the purposes of such scheme;

"referee";
Rev. Stat.,
c. 278.

- (i) "referee" shall mean referee appointed under *The Municipal Drainage Act* having jurisdiction over that part of Ontario where the watershed is situate;

"scheme";

- (j) "scheme" shall mean scheme undertaken by an authority for the purposes of the conservation, restoration and development of natural resources, other than gas, oil, coal and minerals, and the control of water in order to prevent floods and pollution, or for any of such purposes; and

"watershed".

- (k) "watershed" shall mean an area drained by a river and its tributaries.

Application.

2. This Act shall not apply to any part of Ontario lying within a territorial district.

Calling of
meeting.

3.—(1) Where the councils of any two or more municipalities situate either wholly or partly within any watershed by resolution request the Minister of Public Works to call a meeting for the establishment of a conservation authority for the watershed or any defined part thereof, the Minister of Public Works shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or such part thereof.

Representa-
tives at
meeting.

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers,—

- (a) where the population exceeds 50,000, three representatives;
- (b) where the population exceeds 10,000 but is less than 50,000, two representatives; and
- (c) where the population is less than 10,000, one representative,

and the representatives so appointed shall have authority to vote and generally act on behalf of their respective municipalities at such meeting.

Quorum.

(3) At any meeting called under this section a quorum shall consist of two-thirds of the representatives which the

SECTION 2. Self-explanatory.

SECTIONS 3 and 4. The manner of proceeding to have an authority established is prescribed in these sections.

SECTION 5. Provides for the establishment of an authority involving two or more watersheds or parts thereof.

SECTION 6. Governs representation and the holding of the first meeting.

SECTION 7. Governs voting powers and prescribes a quorum.

municipalities notified are entitled to appoint but where not less than three representatives are present at a meeting or adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

4.—(1) Upon receipt by the Minister of Public Works of a resolution passed at a meeting or adjourned meeting held under section 3 and at which a quorum was present, by not less than two-thirds of the representatives present thereat, requesting the establishment of an authority the Lieutenant-Governor in Council may establish a conservation authority and designate the municipalities which shall be the participating municipalities and the area over which the authority shall have jurisdiction. ^{Establishment of authority.}

(2) The name of each authority shall be determined by the Lieutenant-Governor in Council and shall conclude with the words "conservation authority". ^{Name of authority.}

(3) Every authority shall be a body corporate.

5. Where the councils of any three municipalities situate either wholly or partly within two or more watersheds by resolution request the Minister of Public Works to call a meeting for the establishment of a conservation authority for such watersheds or any defined parts thereof, the provisions of sections 3 and 4 shall apply *mutatis mutandis*. ^{To be body corporate.} ^{Establishment of conservation authority.}

6.—(1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 of section 3 for the appointment of representatives and shall hold office during the pleasure of the respective councils. ^{Members of authority.}

(2) Where the Lieutenant-Governor in Council makes a grant to an authority he may appoint a member of the authority. ^{Idem.}

(3) The first meeting of an authority shall be held at such time and place as may be determined by the Minister of Public Works. ^{First meeting.}

7.—(1) Each member of an authority shall be entitled to one vote and in the event of a tie vote, the chairman shall have a second or deciding vote. ^{Votes.}

(2) At any meeting of an authority a quorum shall consist of one third of the number of members which the participating municipalities are entitled to appoint except where there are less than six members in which case two members shall constitute a quorum. ^{Quorum.}

(3) A majority vote of the members present at any meeting shall be required upon all matters coming before the meeting. ^{Majority votes.}

Chairman,
vice-
chairman.

8.—(1) At the first meeting of an authority and thereafter at the first meeting held in each calendar year, the authority shall elect a chairman and a vice-chairman from among themselves, provided that where the Lieutenant-Governor in Council makes a grant to an authority, he may appoint the chairman.

Death of
chairman
and vice-
chairman.

(2) Subject to subsection 1, upon the death of the chairman or vice-chairman, or upon either of them ceasing to be a member of the authority, the remaining members may elect a chairman or vice-chairman to fill such vacancy.

Absence of
chairman
and vice-
chairman.

(3) In the event of the absence of the chairman and vice-chairman from any meeting of an authority, the members present shall elect an acting chairman who, for the purposes of such meeting, shall have all the powers and perform all the duties of the chairman.

Chief
officer,
secretary-
treasurer,—
appoint-
ment of.

9.—(1) An authority may appoint a chief officer, secretary-treasurer and such other employees as it may deem necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority may determine, payable out of the funds of the authority.

Advisory
boards.

(2) An authority may appoint one or more advisory boards.

Executive
committee.

10.—(1) The authority may elect or appoint an executive committee from among themselves.

Chief
officer to
be member.

(2) The chief officer shall be *ex officio* a member of the executive committee.

Chairman.

(3) Where the Lieutenant-Governor in Council makes a grant to an authority, he may appoint the chairman of the executive committee.

Objects.

11. The objects of an authority shall be to undertake and effect such scheme or schemes in respect of the watershed or part thereof for which it is established as the authority may determine.

Filing
of plans.

12. Before proceeding with a scheme an authority shall file plans and a description thereof with and obtain the approval in writing of the Minister of Lands and Forests, the Minister of Planning and Development and the Minister of Public Works.

Powers of
authorities.

13. For the purposes of carrying out a scheme an authority shall have power,—

- (a) to study and investigate the watershed itself or by its engineers or other employees or representatives, and to determine a scheme whereby the natural resources of the watershed may be conserved, restored and developed and the waters controlled in order to prevent floods and pollution or any of such matters;

SECTION 8. Provides for the appointment or election of a chairman and vice-chairman.

SECTION 9. Provides for the appointment of a chief engineer, secretary-treasurer, and other employees.

SECTION 10. Provides for the appointment of an executive committee.

SECTION 11. Prescribes the objects of an authority.

SECTION 12. Prescribes conditions to be complied with before a scheme is undertaken.

SECTION 13. Prescribes the general powers of an authority.

SECTION 14. Governs the mode of determination by an authority of the proportion of benefit afforded to each participating municipality. Any dissatisfied municipality may appeal to the Ontario Municipal Board.

- (b) subject to the provisions of *The Lakes and Rivers Improvement Act*, to erect works, structures and create reservoirs by the construction of dams or otherwise; Rev. Stat.,
c. 45.
- (c) to purchase or acquire and without the consent of the owner enter upon, take and expropriate any land which it may require and sell or otherwise deal with such land or other property;
- (d) to purchase or acquire any personal property which it may require and sell or otherwise deal therewith;
- (e) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any scheme;
- (f) to determine the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them;
- (g) to use lands which are owned or controlled by the authority for such purposes, not inconsistent with its objects, as it deems proper;
- (h) to collaborate with departments and agencies of government, municipal councils and local boards and other organizations;
- (i) to plant and produce trees on public lands with the consent of the Minister of Lands and Forests, and on private lands with the consent of the owner, for any purpose;
- (j) to cause research to be done; and
- (k) generally to do all such acts as are necessary for the due carrying out of any scheme.

14.—(1) When an authority has determined the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by prepaid registered mail. Notice of
apportion-
ment.

(2) Any municipal council which is dissatisfied with any such apportionment may, upon ten days' notice in writing to the authority, apply to the Ontario Municipal Board to have such apportionment reviewed. Review of
apportion-
ment by
Municipal
Board.

(3) Upon such application the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing. Hearing.

Powers of Board on hearing.

(4) The Ontario Municipal Board shall have authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision shall be final and conclusive and shall not be open to appeal.

Variation of apportionment.

(5) In the event of the authority varying any apportionment made by it, the provisions of this section shall apply *mutatis mutandis*.

When municipality not entitled to representation on authority.

15. In the event that an authority determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the authority, such municipality shall not be entitled to representation on the authority and shall cease to be a participating municipality.

Regulations.

16. Subject to the approval of the Lieutenant-Governor in Council, an authority may make regulations,—

- (a) providing for the calling of meetings of the authority and prescribing the procedure at such meetings;
- (b) prescribing the powers and duties of the chief officer and secretary-treasurer;
- (c) delegating all or any of its powers to the executive committee except the following:
 - (i) the termination of the services of the chief officer and secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the erection of works approved by the authority.

Power to enter on lands &c.

17.—(1) An authority may itself or by its chief officer, employees or agents for any purpose necessary to any scheme under consideration or undertaken by the authority, enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings, or sink such trial pits as it may deem necessary and subject to the approval of the Minister of Public Works, may, for the purposes of any scheme,—

- (a) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street, or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority; and

SECTION 15. Provides for the case where an authority determines that a participating municipality does not benefit from a scheme.

SECTION 16. Provides for the making of regulations by an authority, subject to the approval of the Lieutenant-Governor in Council.

SECTION 17. Power is given to enter, survey, take levels, make borings and sink trial pits upon any land for the purposes of any scheme under consideration or undertaken by an authority. Provision is also made for compensation for any damages occasioned.

SECTION 18. Power is given to expropriate the whole of any lot or parcel of land where only part of such lot or parcel is required.

SECTION 19. The procedure to be followed upon expropriation proceedings is set out.

SECTION 20. Provides for the giving of notice to the owner of land expropriated and provides for an appeal to the Ontario Municipal Board where the owner is not satisfied with the compensation fixed by the board of engineers.

- (b) divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

(2) The cost of any work undertaken by an authority under this section shall be borne by the authority and compensation for any damage occasioned thereby may be claimed in accordance with the provisions of section 23. ^{Cost of work.}

18. If the chairman of an authority is of opinion that it can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price, or to greater advantage than by acquiring such part only, it may expropriate the whole of such lot or parcel and may afterwards sell and convey any part thereof as it deems expedient. ^{Expropriation of land.}

19.—(1) Where an authority desires to expropriate land, it shall cause a plan and description of such land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and by the chief officer, to be deposited in the proper registry or land titles office and such land shall thereupon be vested in the authority. ^{Plan to be deposited in registry or land titles office.}

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall become and be vested in the authority. ^{Where land required for limited time.}

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect. ^{Correcting plan or description.}

(4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman and the chief officer, is so deposited, they shall be deemed to have been deposited by the direction of the authority and as indicating that such land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the authority. ^{Deposit of plan.}

20.—(1) Where land is expropriated, the authority shall within one month of the deposit of the plan and description in the registry or land titles office, send a notice by prepaid registered mail to every owner of land included in such plan and description and cause a similar notice to be published once ^{Notice where land expropriated.}

a week for at least three weeks in a newspaper having a general circulation in the locality where the land is located.

Notice,
what to
state.

(2) Such notice shall state,—

- (a) that such land has been expropriated by the authority;
- (b) the purpose for which the land is to be used;
- (c) that the owner of any of such land is required to file a statement of any claim for compensation in respect of the expropriation of such land in the office of the authority not later than one month after the mailing or third publication of the notice, whichever is the later date.

Determina-
tion of
amount of
compensa-
tion.

(3) Upon the expiration of the time indicated in the notice an advisory board shall consider and determine the amount of compensation payable.

Filing of
statement.

(4) The advisory board shall in every case where it is called upon to determine the amount of compensation payable, file with the authority a statement of the amount of compensation it finds to be payable, together with written reasons for each finding.

Notice to
person
claiming.

(5) Within one month of the filing of such statement and reasons the authority shall cause a notice to be sent by prepaid registered mail to the person claiming compensation advising him of the amount of compensation determined by the advisory board.

Notice of
appeal.

(6) Any person who is dissatisfied with the amount of compensation found to be owing to him by the advisory board may, within one month of the mailing of such notice, notify the authority in writing that he is dissatisfied with such finding and desires to appeal to the Ontario Municipal Board.

Copy of
notice of
dissatisfac-
tion to be
sent to
Municipal
Board.

(7) Upon receipt of a notice of dissatisfaction, the authority shall forward to the Ontario Municipal Board a copy of such notice together with the statement and written reasons of the advisory board and a copy of the plan and description certified by the chief officer.

Hearing of
appeal.

(8) The secretary of the Ontario Municipal Board shall advise the authority of the time and place when such appeal will be heard and the authority shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

SECTION 21. Provides that where land is acquired by an authority any claim against the land shall be converted into a claim against the compensation for the land.

SECTION 22. An authority is given power to abandon land expropriated or any estate in such land which it finds is not required, at any time before compensation is paid, and provision is made for the payment of compensation for damages incurred in consequence of the taking and abandoning.

(9) The Ontario Municipal Board shall have authority to review the finding of the advisory board and to increase, decrease, otherwise vary or confirm such findings, or may refer the matter back to the advisory board for further consideration in which case the advisory board shall report back to the Ontario Municipal Board and the decision of the Ontario Municipal Board shall be final and conclusive and shall not be open to any appeal, provided, however, that an appeal shall lie from the Ontario Municipal Board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the Court within one month after the making of the order or decision sought to be appealed from, or within such further time as the Court under the special circumstances of the case shall allow after notice to the other party stating the grounds of appeal, and upon every such appeal the provisions of *The Ontario Municipal Board Act* relating to appeals from the Ontario Municipal Board to the Court of Appeal shall apply *mutatis mutandis*.

Power of
Municipal
Board.

Rev. Stat.,
c. 60.

21. The compensation agreed upon or determined by the advisory board or the Ontario Municipal Board for any land or property acquired by expropriation or otherwise under this Act shall stand in the stead of such land or property, and any claim to or encumbrance thereon shall, as respects the authority, be converted into a claim to or upon such compensation and shall no longer affect such land or property so acquired.

Character of
compensa-
tion.

22.—(1) Where at any time before the compensation has been actually ascertained or determined, land expropriated, or any part thereof, is found not to be required, or if it is found that a more limited estate or interest therein only is required, the authority may register in the proper registry office, a notice to the effect that the land or such part thereof is not required and is abandoned by the authority, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,—

Right of
authority
to abandon
land taken.

- (a) the land declared to be abandoned shall revert in the person from whom it was expropriated or in those entitled to claim under him; or
- (b) in the event of a limited estate or interest therein being retained by the authority, the land shall so revert subject to the estate or interest so retained.

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the

Effect upon
compensa-
tion.

other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages where abandonment complete.

(3) Where the whole of the land taken is abandoned, the person from whom it was taken shall be entitled to compensation for the damage sustained and costs incurred by him in consequence of the taking and abandonment, and the amount of such compensation shall be determined in the same manner, *mutatis mutandis*, as is provided by section 20, provided that if the amount of compensation for the expropriation of such land is being determined by the advisory board or the Ontario Municipal Board at the time of such abandonment, the advisory board or the Ontario Municipal Board, as the case may be, shall proceed forthwith to determine the compensation payable in consequence of the taking and abandonment.

Damage to other lands.

Rev. Stat.,
cc. 278, 350,
c. 45.

23.—(1) Where the carrying out or completion of any scheme injuriously affects any land whether by interfering with any work which has been constructed under *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Lakes and Rivers Improvement Act* or otherwise, the owner of such land may apply, in writing, to the authority in question for compensation and every such application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Report of advisory board.

(2) Upon receipt of an application for compensation under subsection 1, the authority shall direct a board of engineers to investigate such claim and upon the completion of such investigation the advisory board shall report to the authority whether the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the authority shall cause a true copy of such report to be sent to the applicant by prepaid registered mail.

Amount of compensation.

(3) In determining what amount of money is fair compensation for damage occasioned, the advisory board, and on an appeal, the referee, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no appeal.

(4) If within one month of the mailing of the copy of the report as provided in subsection 2, the applicant does not serve the authority with a notice of appeal in accordance with subsection 5, the authority may pay to the applicant the amount deemed by the advisory board to be reasonable compensation and thereafter no further claim shall be made against the authority in respect of such land.

SECTION 23. Provision is made for the payment of compensation to persons whose land, although not required by the authority for any scheme, is injuriously affected.

SECTION 24. Any drainage work undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority.

SECTION 25. Permits certain classes of persons to enter into contracts on behalf of certain other classes of persons and is similar to a provision contained in *The Public Works Act*.

(5) Any applicant who is dissatisfied with the report of the advisory board may within one month of the mailing of a copy of the report, appeal to the referee by sending a notice in writing of his desire to appeal to the authority by prepaid registered mail. ^{Appeal to referee.}

(6) Upon receipt of such notice of appeal the authority shall cause all necessary arrangements to be made for the hearing of the appeal by the referee and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing. ^{Arrangements for appeal.}

(7) The referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit, their witnesses, or upon the report of an independent engineer appointed by the referee, or he may direct the parties to proceed under the provisions of *The Municipal Drainage Act*, and the order of the referee as to the method of procedure shall be final. <sup>Hearing of appeal.
Rev. Stat., c. 278.</sup>

(8) Upon an appeal taken to the referee under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the referee shall be limited to fixing the amount of compensation and enforcing payment thereof. ^{Rev. Stat., c. 278, to apply.}

24. Any drainage works undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority. ^{Future drainage works.}

25.—(1) Any tenant in tail or for life, guardian, tutor, curator, executor, administrator, committee or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, issue unborn, mental incompetents, mental defectives or other persons, seized, possessed or interested in any land or other property, may contract and agree with an authority for the sale of the whole or any part thereof, and may convey the same to the authority, and may also contract and agree with the authority as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under the provisions of this Act. ^{Contracts by tenants in tail, executors and others.}

Representa-
tion of
persons
under
disability.

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or other property is situate, may, after due notice to the persons interested, appoint a guardian or person to represent for any of the purposes mentioned in subsection 1, the person under disability.

Payment of
compensa-
tion up to
\$100.

26. If the compensation agreed upon, or found payable, does not exceed \$100, it may be paid to the person who under this Act may lawfully convey the land or property or agree as to the compensation, saving always the rights of any other person to such compensation as against the person receiving the same.

Payment of
compensa-
tion into
court.

27.—(1) In the cases provided for in section 25 the authority shall, and, in all other cases if for any reason the authority deems it advisable, it may pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at five per centum for six months.

Proceedings
after pay-
ment into
court.

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land is purchased, acquired or taken by the authority under the provisions of this Act, and calling upon all persons claiming compensation in respect of the purchase, acquisition or taking of the land or any part thereof to file their claims, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation and for securing the rights of all parties interested as to right and justice and to law appertains.

Adjustment.

(3) If such order of distribution is obtained in less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the authority, and if it is not obtained until after six months have expired the judge may order the authority to pay interest for such further period as may be deemed just.

Representa-
tion of
parties.

(4) Where unborn issue or an unascertained person or class of persons are interested in the compensation, the judge may appoint such person as may be deemed proper to represent or act for them, and any order made shall be binding on them.

SECTIONS 26 and 27. Also similar to sections of *The Public Works Act* and makes provision for the payment of compensation under certain circumstances.

SECTION 28. An authority may require any person who has had an estate or interest in land expropriated or who represents any such person, to furnish particulars of any such estate or interest.

SECTION 29. Provides for the issue of a warrant for possession and the execution of such warrant by the sheriff where any person offers resistance to an authority or to any person acting for an authority when entering upon or taking possession of land.

SECTION 30. This section deals with interference with Crown lands, public works and works of The Hydro-Electric Power Commission by an authority.

28. Every person who has had any estate or interest in any land expropriated or who represents any such person shall upon demand made therefor by or on behalf of the authority which expropriated such land, furnish a true statement showing the particulars of such estate or interest and of every charge, lien or encumbrance to which it is subject and of the claim made by such person in respect of such estate or interest.

Power to
require par-
ticulars.

29.—(1) If any resistance or opposition is made by any person to an authority or to any person acting for it when entering upon and taking possession of land or exercising any power in respect thereof, the judge or junior judge of the county court of the county in which the land is situated may on proof of the execution of a conveyance to the authority or agreement therefor, or of the depositing of a plan and description in the proper registry or land titles office as provided by section 19 and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county directing him to put down such resistance or opposition and to put the authority, or some person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power.

Warrant for
possession.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the authority, or some person acting for it, in possession, and shall forthwith make return to the court of such warrant, and of the manner in which he executed the same.

Duty and
powers of
sheriff.

30.—(1) Where any lands required for the carrying out of a scheme or part thereof are Crown lands, a plan and description of such lands prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and the chief officer shall be deposited with the Minister of Lands and Forests and such scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of such Minister.

Affecting
Crown lands.

(2) Where any scheme, or any part thereof, may interfere with any public work of Ontario or of The Hydro-Electric Power Commission of Ontario, the authority shall file with the Minister of Public Works or with the said Commission, as the case may be, a plan and description of the scheme or part thereof together with a statement of the interference with such public work which may occur and a statement of the manner in which the authority proposes to remedy such interference, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Public Works or of the said Commission, as the case may be.

Interference
with public
work.

Interference
with
highway.

(3) Where any scheme, or any part thereof, will interfere with any public road or highway, the authority shall file with the Minister of Highways a plan and description of the scheme or part thereof together with a statement of the interference with such public road or highway which will occur and a statement of the manner in which the authority proposes to remedy such interference, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Highways.

Costs, how
to be borne.

(4) The cost of rebuilding any road, highway, bridge, public work or work of The Hydro-Electric Power Commission of Ontario or any part thereof and the cost of any other work which any of the Ministers of the Crown or the said Commission may require to be done under this section, shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario or the said Commission as the case may be.

Assessment
of lands of
Commission.

31.—(1) Land which is acquired by an authority by expropriation or otherwise may be assessed for municipal purposes at an amount not in excess of its assessed value immediately prior to such acquisition.

Works
exempt from
taxation.

(2) Works erected by an authority for the purposes of any scheme shall be exempt from municipal taxation.

Cemetery
lands.

32.—(1) Where the carrying out of any scheme will require the use of any cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in such cemetery or other place of interment.

Notice to
plot owners.

(2) The authority shall forward a notice to the owner of each lot in such cemetery or other place of interment, provided that if such owner or his whereabouts is unknown, such notice shall, wherever possible, be forwarded to some other person having an interest in such plot through relationship or otherwise to any deceased person buried therein.

Publication
of notice.

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,—

(a) that the cemetery or other place of interment has been acquired for the purposes of the authority;

SECTION 31. Deals with the assessment of lands and works of an authority.

SECTION 32. Provision is made for the removal of cemeteries where an authority requires the land occupied by them.

SECTION 33. Provides for the use of and charges to be made for water power created by the works of an authority.

- (b) that other land, describing it, has been acquired by the authority for the purpose of re-interring the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for re-interment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in such cemetery or other place of interment to be removed to any other place of interment at his own expense providing he obtains permission from the authority and effects such removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority may determine.

(4) The authority shall have full power to cause the removal of any body from any such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding the provisions of any other Act of this Legislature and to authorize the removal by any other person of any such body for re-interment in any other cemetery or place of interment.

Authority to
remove
bodies.

(5) Where any body is removed and re-interred any headstone and other stones shall be removed and re-erected at the place of re-interment.

Removal of
headstones.

(6) The authority shall render lands, including fences and buildings, acquired for the re-interment of bodies, in a fit and proper condition and shall convey such land to the owner of the cemetery or other place of interment from which the bodies were removed.

Conveyance
of lands for
re-interment.

33.—(1) Subject to the right of an authority to use any water power created upon lands vested in it for its own uses which shall not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario shall have the sole right to use such water power, provided that The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the authority.

Use of
water power.

(2) The Hydro-Electric Power Commission of Ontario shall pay to the authority an annual, reasonable compensation for the use of any such water power used by it.

Compensa-
tion for
water power.

Determina-
tion of com-
pensation.

(3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, such amount shall be determined by a committee of three members comprising the chief officer of the authority, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or in the event that they are unable to agree, appointed by the Lieutenant-Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there shall be no appeal from such committee; provided that after ten annual payments of compensation the amount of compensation shall be redetermined by a like committee at the request of either the authority or the Commission.

Charge for
additional
power.

(4) Subject to review by The Hydro-Electric Power Commission of Ontario an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power, generated from increased head or flow due to the works undertaken by the authority.

When sec-
tion not to
apply.
Rev. Stat.,
c. 33.

(5) This section shall not apply to water power reserved to the Crown under the provisions of *The Public Lands Act*.

Determina-
tion of
capital ex-
penditure.

34.—(1) An authority may from time to time determine what moneys will be required for capital expenditure in connection with any scheme.

Portion to be
raised by
participating
municipali-
ties.

(2) The portion of the moneys so required which each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money
to be raised.

(3) Upon notice in writing of the amount required to be raised, signed by the chairman and secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise, such moneys as may be required by the authority for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Assessment
of munic-
ipalities for
maintenance.

35.—(1) For the purpose of paying costs of maintenance, including maintenance of the works included in any scheme, office expenses and salaries, a sum may annually be levied by an authority against each of the participating municipalities.

Apportion-
ment of cost.

(2) After determining the approximate total cost of maintenance for the succeeding calendar year, the authority shall apportion such cost to the participating municipalities accord-

SECTION 34. Provides for the assessment of capital expenditure against the participating municipalities.

SECTION 35. Provides for the assessment of the cost of maintenance against the participating municipalities.

SECTION 36. Clarifies the powers of the municipal councils in respect to powers and duties conferred or imposed under this Act.

SECTION 37. Gives power to an authority to spend moneys which are raised for its purposes.

SECTION 38. The Lieutenant-Governor in Council is authorized to make grants to an authority out of such funds as are appropriated therefor.

ing to the benefit derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the authority shall forthwith certify to the clerk of each participating municipality the total amount which has been so levied, and the clerk of the municipality shall calculate and insert the same in the collectors' roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the authority.

(3) An authority may enforce payment against any participating municipality of any portion of the cost of main-^{Enforcement of payment.}tenance apportioned and assessed to such municipality as a debt due by such municipality to the authority.

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors.^{Assent of electors not necessary.}

37. All moneys required by this Act to be raised for the purposes of an authority shall be paid to the authority and the authority may spend such moneys as it deems proper, provided that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board.^{Moneys to be paid to authority.}

38. The Lieutenant-Governor in Council may make a grant to any authority out of such funds as may be appropriated therefor by the Legislature.^{Grants.}

39. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.^{Commencement of Act.}

40. This Act may be cited as *The Conservation Authorities Act, 1946*.^{Short title.}

BILL

An Act to provide for the establishment of Conservation Authorities for the purposes of the Conservation, Restoration and Development of Natural Resources, other than Gas, Oil, Coal and Minerals and for the Prevention of Floods and of Water Pollution.

1st Reading

March 27th, 1946

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act to provide for the establishment of Conservation Authorities for
the purposes of the Conservation, Restoration and Development
of Natural Resources, other than Gas, Oil, Coal and Minerals
and for the Prevention of Floods and of Water Pollution.**

MR. PORTER

BILL

An Act to provide for the establishment of Conservation Authorities for the purposes of the Conservation, Restoration and Development of Natural Resources, other than Gas, Oil, Coal and Minerals and for the Prevention of Floods and of Water Pollution.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "advisory board" shall mean an advisory board appointed by an authority; "advisory board";
- (b) "authority" shall mean a conservation authority established under this Act; "authority";
- (c) "chief officer" shall mean the chief officer of an authority; "chief officer";
- (d) "executive committee" shall mean executive committee appointed by an authority; "executive committee";
- (e) "land" shall include buildings and any estate, term, easement, right or interest in, to, over or affecting land; "land";
- (f) "municipality" shall mean a city, town, village and township; "municipality";
- (g) "owner" shall include a mortgagee, lessee, tenant, occupant, person entitled to a limited estate or interest, and a guardian, executor, administrator or trustee in whom land or any interest therein is vested; "owner";
- (h) "participating municipality" shall mean, subject to section 4, a municipality which, "participating municipality";

- (i) is either wholly or partly within a watershed,
- (ii) may benefit by a scheme established therein, and
- (iii) is declared by the Lieutenant-Governor in Council to be a participating municipality for the purposes of such scheme;

"referee";
Rev. Stat.,
c. 278.

- (i) "referee" shall mean referee appointed under *The Municipal Drainage Act* having jurisdiction over that part of Ontario where the watershed is situate;

"scheme";

- (j) "scheme" shall mean scheme undertaken by an authority for the purposes of the conservation, restoration and development of natural resources, other than gas, oil, coal and minerals, and the control of water in order to prevent floods and pollution, or for any of such purposes; and

"watershed".

- (k) "watershed" shall mean an area drained by a river and its tributaries.

Application. **2.** This Act shall not apply to any part of Ontario lying within a territorial district.

Calling of
meeting.

3.—(1) Where the councils of any two or more municipalities situate either wholly or partly within any watershed by resolution request the Minister of Public Works to call a meeting for the establishment of a conservation authority for the watershed or any defined part thereof, the Minister of Public Works shall fix a time and place for such a meeting and shall forthwith notify the council of every municipality either wholly or partly within the watershed or such part thereof.

Representa-
tives at
meeting.

(2) The council of each municipality may appoint representatives to attend the meeting in the following numbers,—

- (a) where the population exceeds 50,000, three representatives;
- (b) where the population exceeds 10,000 but is less than 50,000, two representatives; and
- (c) where the population is less than 10,000, one representative,

and the representatives so appointed shall have authority to vote and generally act on behalf of their respective municipalities at such meeting.

Quorum.

(3) At any meeting called under this section a quorum shall consist of two-thirds of the representatives which the

municipalities notified are entitled to appoint but where not less than three representatives are present at a meeting or adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

4.—(1) Upon receipt by the Minister of Public Works of a resolution passed at a meeting or adjourned meeting held under section 3 and at which a quorum was present, by not less than two-thirds of the representatives present thereat, requesting the establishment of an authority the Lieutenant-Governor in Council may establish a conservation authority and designate the municipalities which shall be the participating municipalities and the area over which the authority shall have jurisdiction. ^{Establishment of authority.}

(2) The name of each authority shall be determined by the Lieutenant-Governor in Council and shall conclude with the words "conservation authority". ^{Name of authority.}

(3) Every authority shall be a body corporate.

5. Where the councils of any three municipalities situate either wholly or partly within two or more watersheds by resolution request the Minister of Public Works to call a meeting for the establishment of a conservation authority for such watersheds or any defined parts thereof, the provisions of sections 3 and 4 shall apply *mutatis mutandis*. ^{To be body corporate.} ^{Establishment of conservation authority.}

6.—(1) Members of an authority shall be appointed by the respective councils of the participating municipalities in the numbers prescribed by subsection 2 of section 3 for the appointment of representatives and shall hold office during the pleasure of the respective councils. ^{Members of authority.}

(2) Where the Lieutenant-Governor in Council makes a grant to an authority he may appoint a member of the authority. ^{idem.}

(3) The first meeting of an authority shall be held at such time and place as may be determined by the Minister of Public Works. ^{First meeting.}

7.—(1) Each member of an authority shall be entitled to one vote and in the event of a tie vote, the chairman shall have a second or deciding vote. ^{Votes.}

(2) At any meeting of an authority a quorum shall consist of one third of the number of members which the participating municipalities are entitled to appoint except where there are less than six members in which case two members shall constitute a quorum. ^{Quorum.}

(3) A majority vote of the members present at any meeting shall be required upon all matters coming before the meeting. ^{Majority votes.}

Chairman,
vice-
chairman.

8.—(1) At the first meeting of an authority and thereafter at the first meeting held in each calendar year, the authority shall elect a chairman and a vice-chairman from among themselves, provided that where the Lieutenant-Governor in Council makes a grant to an authority, he may appoint the chairman.

Death of
chairman
and vice-
chairman.

(2) Subject to subsection 1, upon the death of the chairman or vice-chairman, or upon either of them ceasing to be a member of the authority, the remaining members may elect a chairman or vice-chairman to fill such vacancy.

Absence of
chairman
and vice-
chairman.

(3) In the event of the absence of the chairman and vice-chairman from any meeting of an authority, the members present shall elect an acting chairman who, for the purposes of such meeting, shall have all the powers and perform all the duties of the chairman.

Chief
officer,
secretary-
treasurer,
appoint-
ment of.

9.—(1) An authority may appoint a chief officer, secretary-treasurer and such other employees as it may deem necessary who shall hold office during the pleasure of the authority and shall receive such salary or other remuneration as the authority may determine, payable out of the funds of the authority.

Advisory
boards.

(2) An authority may appoint one or more advisory boards.

Executive
committee.

10.—(1) The authority may elect or appoint an executive committee from among themselves.

Chief
officer to
be member.

(2) The chief officer shall be *ex officio* a member of the executive committee.

Chairman.

(3) Where the Lieutenant-Governor in Council makes a grant to an authority, he may appoint the chairman of the executive committee.

Objects.

11. The objects of an authority shall be to undertake and effect such scheme or schemes in respect of the watershed or part thereof for which it is established as the authority may determine.

Filing
of plans.

12. Before proceeding with a scheme an authority shall file plans and a description thereof with and obtain the approval in writing of the Minister of Lands and Forests, the Minister of Planning and Development and the Minister of Public Works.

Powers of
authorities.

13. For the purposes of carrying out a scheme an authority shall have power,—

- (a) to study and investigate the watershed itself or by its engineers or other employees or representatives, and to determine a scheme whereby the natural resources of the watershed may be conserved, restored and developed and the waters controlled in order to prevent floods and pollution or any of such matters;

- (b) subject to the provisions of *The Lakes and Rivers Improvement Act*, to erect works, structures and create reservoirs by the construction of dams or otherwise;
- (c) to purchase or acquire and without the consent of the owner enter upon, take and expropriate any land which it may require and sell or otherwise deal with such land or other property;
- (d) to purchase or acquire any personal property which it may require and sell or otherwise deal therewith;
- (e) to enter into such agreements for the purchase of materials, employment of labour and such other purposes as may be necessary for the due carrying out of any scheme;
- (f) to determine the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them;
- (g) to use lands which are owned or controlled by the authority for such purposes, not inconsistent with its objects, as it deems proper;
- (h) to collaborate with departments and agencies of government, municipal councils and local boards and other organizations;
- (i) to plant and produce trees on public lands with the consent of the Minister of Lands and Forests, and on private lands with the consent of the owner, for any purpose;
- (j) to cause research to be done; and
- (k) generally to do all such acts as are necessary for the due carrying out of any scheme.

14.—(1) When an authority has determined the proportion of the total benefit afforded to all the participating municipalities which is afforded to each of them, it shall cause a notice containing a statement of such apportionment to be sent to the council of each participating municipality by prepaid registered mail.

(2) Any municipal council which is dissatisfied with any such apportionment may, upon ten days' notice in writing to the authority, apply to the Ontario Municipal Board to have such apportionment reviewed.

(3) Upon such application the Ontario Municipal Board shall fix a date for the hearing of all interested parties and shall give all necessary directions for the hearing.

Powers of
Board on
hearing.

(4) The Ontario Municipal Board shall have authority to take evidence, to confirm or vary the apportionment of the authority and to fix and award costs, and its decision shall be final and conclusive and shall not be open to appeal.

Variation of
apportion-
ment.

(5) In the event of the authority varying any apportionment made by it, the provisions of this section shall apply *mutatis mutandis*.

When
municipality
not entitled
to repre-
sentation on
authority.

15. In the event that an authority determines that any participating municipality does not benefit by any scheme and is not required to pay any part of the expenses of the authority, such municipality shall not be entitled to representation on the authority and shall cease to be a participating municipality.

Regulations.

16. Subject to the approval of the Lieutenant-Governor in Council, an authority may make regulations,—

- (a) providing for the calling of meetings of the authority and prescribing the procedure at such meetings;
- (b) prescribing the powers and duties of the chief officer and secretary-treasurer;
- (c) delegating all or any of its powers to the executive committee except the following:
 - (i) the termination of the services of the chief officer and secretary-treasurer,
 - (ii) the power to raise money, and
 - (iii) the power to enter into contracts or agreements other than such contracts or agreements as are necessarily incidental to the erection of works approved by the authority.

Power to
enter on
lands etc.

17.—(1) An authority may itself or by its chief officer, employees or agents for any purpose necessary to any scheme under consideration or undertaken by the authority, enter into and upon any land to whomsoever belonging and survey and take levels of the same and make such borings, or sink such trial pits as it may deem necessary and subject to the approval of the Minister of Public Works, may, for the purposes of any scheme,—

- (a) alter the course of any river, canal, brook, stream or watercourse, and divert or alter, as well temporarily as permanently, the course of any river, stream, road, street, or way, or raise or sink the level of the same in order to carry it over or under, on the level of or by the side of any work built or to be built by the authority; and

- (b) divert or alter the position of any water-pipe, gas-pipe, sewer, drain or any telegraph, telephone or electric wire or pole.

(2) The cost of any work undertaken by an authority under this section shall be borne by the authority and compensation for any damage occasioned thereby may be claimed in accordance with the provisions of section 23. ^{Cost of work.}

18. If the chairman of an authority is of opinion that it can obtain the whole of any lot or parcel of land of which any part may be expropriated by it at a more reasonable price, or to greater advantage than by acquiring such part only, it may expropriate the whole of such lot or parcel and may afterwards sell and convey any part thereof as it deems expedient. ^{Expropriation of land.}

19.—(1) Where an authority desires to expropriate land, it shall cause a plan and description of such land prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and by the chief officer, to be deposited in the proper registry or land titles office and such land shall thereupon be vested in the authority. ^{Plan to be deposited in registry or land titles office.}

(2) Where the land is required for a limited time only, or only a limited estate, right or interest therein is required, the plan and description so deposited shall indicate, by appropriate words written or printed thereon, that the land is taken for such limited time only, or that only such limited estate, right or interest therein is taken, and by the deposit in such case, the right of possession for such limited time, or such limited estate, right or interest, shall become and be vested in the authority. ^{Where land required for limited time.}

(3) In case of any omission, misstatement or erroneous description in any plan or description, a correct plan and description may be deposited with like effect. ^{Correcting plan or description.}

(4) In all cases, when any such plan and description, purporting to be signed by the chairman or vice-chairman and the chief officer, is so deposited, they shall be deemed to have been deposited by the direction of the authority and as indicating that such land is required for the carrying out of a scheme, and the plan and description shall not be called in question except by the authority. ^{Deposit of plan.}

20.—(1) Where land is expropriated, the authority shall within one month of the deposit of the plan and description in the registry or land titles office, send a notice by prepaid registered mail to every owner of land included in such plan and description and cause a similar notice to be published once ^{Notice where land expropriated.}

a week for at least three weeks in a newspaper having a general circulation in the locality where the land is located.

Notice,
what to
state.

(2) Such notice shall state,—

(a) that such land has been expropriated by the authority;

(b) the purpose for which the land is to be used;

(c) that the owner of any of such land is required to file a statement of any claim for compensation in respect of the expropriation of such land in the office of the authority not later than one month after the mailing or third publication of the notice, whichever is the later date.

Determina-
tion of
amount of
compensa-
tion.

(3) Upon the expiration of the time indicated in the notice an advisory board shall consider and determine the amount of compensation payable.

Filing of
statement.

(4) The advisory board shall in every case where it is called upon to determine the amount of compensation payable, file with the authority a statement of the amount of compensation it finds to be payable, together with written reasons for each finding.

Notice to
person
claiming.

(5) Within one month of the filing of such statement and reasons the authority shall cause a notice to be sent by prepaid registered mail to the person claiming compensation advising him of the amount of compensation determined by the advisory board.

Notice of
appeal.

(6) Any person who is dissatisfied with the amount of compensation found to be owing to him by the advisory board may, within one month of the mailing of such notice, notify the authority in writing that he is dissatisfied with such finding and desires to appeal to the Ontario Municipal Board.

Copy of
notice of
dissatisfac-
tion to be
sent to
Municipal
Board.

(7) Upon receipt of a notice of dissatisfaction, the authority shall forward to the Ontario Municipal Board a copy of such notice together with the statement and written reasons of the advisory board and a copy of the plan and description certified by the chief officer.

Hearing of
appeal.

(8) The secretary of the Ontario Municipal Board shall advise the authority of the time and place when such appeal will be heard and the authority shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing.

(9) The Ontario Municipal Board shall have authority to review the finding of the advisory board and to increase, decrease, otherwise vary or confirm such findings, or may refer the matter back to the advisory board for further consideration in which case the advisory board shall report back to the Ontario Municipal Board and the decision of the Ontario Municipal Board shall be final and conclusive and shall not be open to any appeal, provided, however, that an appeal shall lie from the Ontario Municipal Board to the Court of Appeal upon a question of jurisdiction or upon any question of law, but such appeal shall not lie unless leave to appeal is obtained from the Court within one month after the making of the order or decision sought to be appealed from, or within such further time as the Court under the special circumstances of the case shall allow after notice to the other party stating the grounds of appeal, and upon every such appeal the provisions of *The Ontario Municipal Board Act* relating to appeals from the Ontario Municipal Board to the Court of Appeal shall apply *mutatis mutandis*.

Power of
Municipal
Board.

Rev. Stat.,
c. 60.

21. The compensation agreed upon or determined by the advisory board or the Ontario Municipal Board for any land or property acquired by expropriation or otherwise under this Act shall stand in the stead of such land or property, and any claim to or encumbrance thereon shall, as respects the authority, be converted into a claim to or upon such compensation and shall no longer affect such land or property so acquired.

Character of
compensa-
tion.

22.—(1) Where at any time before the compensation has been actually ascertained or determined, land expropriated, or any part thereof, is found not to be required, or if it is found that a more limited estate or interest therein only is required, the authority may register in the proper registry office, a notice to the effect that the land or such part thereof is not required and is abandoned by the authority, or that it is intended to retain only such limited estate or interest as is mentioned in such notice, and thereupon,—

Right of
authority
to abandon
land taken.

- (a) the land declared to be abandoned shall revert in the person from whom it was expropriated or in those entitled to claim under him; or
- (b) in the event of a limited estate or interest therein being retained by the authority, the land shall so revert subject to the estate or interest so retained.

(2) Where part only of the land or all of it but a limited estate or interest therein is abandoned, the fact of such abandonment, and the damage, if any, sustained in consequence of that which is abandoned having been taken, and all the

Effect upon
compensa-
tion.

other circumstances of the case shall be taken into account in determining the amount to be paid to any person claiming compensation.

Damages
where
abandon-
ment
complete.

(3) Where the whole of the land taken is abandoned, the person from whom it was taken shall be entitled to compensation for the damage sustained and costs incurred by him in consequence of the taking and abandonment, and the amount of such compensation shall be determined in the same manner, *mutatis mutandis*, as is provided by section 20, provided that if the amount of compensation for the expropriation of such land is being determined by the advisory board or the Ontario Municipal Board at the time of such abandonment, the advisory board or the Ontario Municipal Board, as the case may be, shall proceed forthwith to determine the compensation payable in consequence of the taking and abandonment.

Damage to
other lands.

Rev. Stat.,
cc. 278, 350,
c. 45.

23.—(1) Where the carrying out or completion of any scheme injuriously affects any land whether by interfering with any work which has been constructed under *The Municipal Drainage Act*, *The Ditches and Watercourses Act*, *The Lakes and Rivers Improvement Act* or otherwise, the owner of such land may apply, in writing, to the authority in question for compensation and every such application shall contain a statement of the nature of the plaintiff's claim and the amount of compensation claimed.

Report of
advisory
board.

(2) Upon receipt of an application for compensation under subsection 1, the authority shall direct a board of engineers to investigate such claim and upon the completion of such investigation the advisory board shall report to the authority whether the land of the applicant has been injuriously affected by reason of the carrying out or completion of the scheme, and if damage has been so occasioned, what amount of money the board deems to be reasonable compensation therefor, and the authority shall cause a true copy of such report to be sent to the applicant by prepaid registered mail.

Amount of
compensa-
tion.

(3) In determining what amount of money is fair compensation for damage occasioned, the advisory board, and on an appeal, the referee, shall include in such amount reasonable compensation for such damage as may reasonably be expected to be suffered by the land by reason of the carrying out or completion of the scheme.

Where no
appeal.

(4) If within one month of the mailing of the copy of the report as provided in subsection 2, the applicant does not serve the authority with a notice of appeal in accordance with subsection 5, the authority may pay to the applicant the amount deemed by the advisory board to be reasonable compensation and thereafter no further claim shall be made against the authority in respect of such land.

(5) Any applicant who is dissatisfied with the report of the advisory board may within one month of the mailing of a copy of the report, appeal to the referee by sending a notice in writing of his desire to appeal to the authority by prepaid registered mail. ^{Appeal to referee.}

(6) Upon receipt of such notice of appeal the authority shall cause all necessary arrangements to be made for the hearing of the appeal by the referee and shall cause a notice of the time and place of such hearing to be sent to the appellant by prepaid registered mail at least two full weeks prior to the time fixed for such hearing. ^{Arrangements for appeal.}

(7) The referee may hear and determine the appeal in a summary manner either on his own view of the premises and after hearing the parties and if he sees fit, their witnesses, or upon the report of an independent engineer appointed by the referee, or he may direct the parties to proceed under the provisions of *The Municipal Drainage Act*, and the order of the referee as to the method of procedure shall be final. ^{Hearing of appeal.} ^{Rev. Stat., c. 278.}

(8) Upon an appeal taken to the referee under the provisions of this section, the provisions of *The Municipal Drainage Act* shall apply *mutatis mutandis* but the powers of the referee shall be limited to fixing the amount of compensation and enforcing payment thereof. ^{Rev. Stat., c. 278, to apply.}

24. Any drainage works undertaken in a watershed after the establishment of an authority in respect thereof shall be undertaken only with the approval in writing of the authority. ^{Future drainage works,}

25.—(1) Any tenant in tail or for life, guardian, tutor, curator, executor, administrator, committee or person, not only for and on behalf of himself, his heirs and assigns, but also for and on behalf of those whom he represents, whether married women, infants, issue unborn, mental incompetents, mental defectives or other persons, seized, possessed or interested in any land or other property, may contract and agree with an authority for the sale of the whole or any part thereof, and may convey the same to the authority, and may also contract and agree with the authority as to the amount of compensation to be paid for any such land or property, or for damages occasioned thereto, and may also act for and on behalf of those whom he represents in any proceeding for determining the compensation to be paid under the provisions of this Act. ^{Contracts by tenants in tail, executors and others.}

Representa-
tion of
persons
under
disability.

(2) Where there is no guardian or other person to represent a person under disability, the judge of the county court of the county in which the land or other property is situate, may, after due notice to the persons interested, appoint a guardian or person to represent for any of the purposes mentioned in subsection 1, the person under disability.

Payment of
compensa-
tion up to
\$100.

26. If the compensation agreed upon, or found payable, does not exceed \$100, it may be paid to the person who under this Act may lawfully convey the land or property or agree as to the compensation, saving always the rights of any other person to such compensation as against the person receiving the same.

Payment of
compensa-
tion into
court.

27.—(1) In the cases provided for in section 25 the authority shall, and, in all other cases if for any reason the authority deems it advisable, it may pay the compensation into the office of the Accountant of the Supreme Court, with interest thereon at five per centum for six months.

Proceedings
after pay-
ment into
court.

(2) A notice in such form and for such a time as a judge of the High Court may direct shall be published in such newspaper as the judge may order, stating that the land is purchased, acquired or taken by the authority under the provisions of this Act, and calling upon all persons claiming compensation in respect of the purchase, acquisition or taking of the land or any part thereof to file their claims, and all such claims shall be adjudicated upon by the judge, and the judge shall make such order for the distribution, payment or investment of the compensation and for securing the rights of all parties interested as to right and justice and to law appertains.

Adjustment.

(3) If such order of distribution is obtained in less than six months after the payment of the compensation into court, the judge may direct a proportionate part of the interest to be returned to the authority, and if it is not obtained until after six months have expired the judge may order the authority to pay interest for such further period as may be deemed just.

Representa-
tion of
parties.

(4) Where unborn issue or an unascertained person or class of persons are interested in the compensation, the judge may appoint such person as may be deemed proper to represent or act for them, and any order made shall be binding on them.

28. Every person who has had any estate or interest in any land expropriated or who represents any such person shall upon demand made therefor by or on behalf of the authority which expropriated such land, furnish a true statement showing the particulars of such estate or interest and of every charge, lien or encumbrance to which it is subject and of the claim made by such person in respect of such estate or interest. Power to require particulars.

29.—(1) If any resistance or opposition is made by any person to an authority or to any person acting for it when entering upon and taking possession of land or exercising any power in respect thereof, the judge or junior judge of the county court of the county in which the land is situated may on proof of the execution of a conveyance to the authority or agreement therefor, or of the depositing of a plan and description in the proper registry or land titles office as provided by section 19 and after notice to show cause given in such manner as he prescribes, issue his warrant to the sheriff of the county directing him to put down such resistance or opposition and to put the authority, or some person acting for it, in possession thereof, or take such steps as may be necessary to enable it to exercise such power. Warrant for possession.

(2) The sheriff shall take with him sufficient assistance for such purpose, and shall put down such resistance and opposition, and shall put the authority, or some person acting for it, in possession, and shall forthwith make return to the court of such warrant, and of the manner in which he executed the same. Duty and powers of sheriff.

30.—(1) Where any lands required for the carrying out of a scheme or part thereof are Crown lands, a plan and description of such lands prepared and signed by an Ontario land surveyor and signed by the chairman or vice-chairman and the chief officer shall be deposited with the Minister of Lands and Forests and such scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of such Minister. Affecting Crown lands.

(2) Where any scheme, or any part thereof, may interfere with any public work of Ontario or of The Hydro-Electric Power Commission of Ontario, the authority shall file with the Minister of Public Works or with the said Commission, as the case may be, a plan and description of the scheme or part thereof together with a statement of the interference with such public work which may occur and a statement of the manner in which the authority proposes to remedy such interference, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Public Works or of the said Commission, as the case may be. Interference with public work.

Interference
with
highway.

(3) Where any scheme, or any part thereof, will interfere with any public road or highway, the authority shall file with the Minister of Highways a plan and description of the scheme or part thereof together with a statement of the interference with such public road or highway which will occur and a statement of the manner in which the authority proposes to remedy such interference, and the scheme or part thereof shall not be proceeded with until the authority has received the approval in writing of the Minister of Highways.

Costs, how
to be borne.

(4) The cost of rebuilding any road, highway, bridge, public work or work of The Hydro-Electric Power Commission of Ontario or any part thereof and the cost of any other work which any of the Ministers of the Crown or the said Commission may require to be done under this section, shall be borne by the authority, except where an agreement providing for payment thereof in some other manner has been entered into with the Crown in right of Ontario or the said Commission as the case may be.

Assessment
of lands of
Commission.

31.—(1) Land which is acquired by an authority by expropriation or otherwise may be assessed for municipal purposes at an amount not in excess of its assessed value immediately prior to such acquisition.

Works
exempt from
taxation.

(2) Works erected by an authority for the purposes of any scheme shall be exempt from municipal taxation.

Cemetery
lands.

32.—(1) Where the carrying out of any scheme will require the use of any cemetery or other place of interment of human remains, the authority shall acquire other suitable lands for the interment of the bodies contained in such cemetery or other place of interment.

Notice to
plot owners.

(2) The authority shall forward a notice to the owner of each lot in such cemetery or other place of interment, provided that if such owner or his whereabouts is unknown, such notice shall, wherever possible, be forwarded to some other person having an interest in such plot through relationship or otherwise to any deceased person buried therein.

Publication
of notice.

(3) The authority shall also cause a notice to be published once a week for at least three weeks in a newspaper having a general circulation in the locality where the cemetery or other place of interment is located, which notice shall state,—

(a) that the cemetery or other place of interment has been acquired for the purposes of the authority;

- (b) that other land, describing it, has been acquired by the authority for the purpose of re-interring the bodies;
- (c) that the authority will at its own expense proceed to remove the bodies from the cemetery or other place of interment to the lands acquired for re-interment at a time not less than one month after the forwarding or third publication of the notice, whichever is the later date; and
- (d) that the owner of any plot in the cemetery or other place of interment, or any other person with the approval of the authority, may cause any body interred in such cemetery or other place of interment to be removed to any other place of interment at his own expense providing he obtains permission from the authority and effects such removal within one month from the forwarding or insertion of the notice, whichever is the later date, or before such later date as the authority may determine.

(4) The authority shall have full power to cause the removal of any body from any such cemetery or place of interment to any lands acquired under subsection 1 notwithstanding the provisions of any other Act of this Legislature and to authorize the removal by any other person of any such body for re-interment in any other cemetery or place of interment.

Authority to remove bodies.

(5) Where any body is removed and re-interred any headstone and other stones shall be removed and re-erected at the place of re-interment.

Removal of headstones.

(6) The authority shall render lands, including fences and buildings, acquired for the re-interment of bodies, in a fit and proper condition and shall convey such land to the owner of the cemetery or other place of interment from which the bodies were removed.

Conveyance of lands for re-interment.

33.—(1) Subject to the right of an authority to use any water power created upon lands vested in it for its own uses which shall not include the marketing or sale of power, The Hydro-Electric Power Commission of Ontario shall have the sole right to use such water power, provided that The Hydro-Electric Power Commission of Ontario may consent to the use of any such water power by any person on such terms and conditions as are satisfactory to it and to the authority.

Use of water power.

(2) The Hydro-Electric Power Commission of Ontario shall pay to the authority an annual, reasonable compensation for the use of any such water power used by it.

Compensation for water power.

Determina-
tion of com-
pensation.

(3) Where the authority and The Hydro-Electric Power Commission of Ontario are unable to agree upon the amount of compensation payable, such amount shall be determined by a committee of three members comprising the chief officer of the authority, the chief engineer of the Commission and an engineer to be agreed upon by both of them, or in the event that they are unable to agree, appointed by the Lieutenant-Governor in Council, and the engineer so agreed upon or appointed shall act as chairman of the committee, and there shall be no appeal from such committee; provided that after ten annual payments of compensation the amount of compensation shall be redetermined by a like committee at the request of either the authority or the Commission.

Charge for
additional
power.

(4) Subject to review by The Hydro-Electric Power Commission of Ontario an authority shall charge persons who at the time of the establishment of the authority are, or thereafter become, users of power derived by them from the use of the waters of the watershed for any additional power, generated from increased head or flow due to the works undertaken by the authority.

When sec-
tion not to
apply.
Rev. Stat.,
c. 33.

(5) This section shall not apply to water power reserved to the Crown under the provisions of *The Public Lands Act*.

Determina-
tion of
capital ex-
penditure.

34.—(1) An authority may from time to time determine what moneys will be required for capital expenditure in connection with any scheme.

Portion to be
raised by
participating
municipali-
ties.

(2) The portion of the moneys so required which each participating municipality shall raise shall be in the same proportion as the benefit derived by each such municipality bears to the total benefit derived by all participating municipalities.

How money
to be raised.

(3) Upon notice in writing of the amount required to be raised, signed by the chairman and secretary-treasurer of the authority, each participating municipality shall raise by the issue of debentures or otherwise, such moneys as may be required by the authority for capital expenditure, subject only to such conditions as the Ontario Municipal Board may impose as to the time and manner of the raising of such moneys.

Assessment
of municipa-
lities for
maintenance.

35.—(1) For the purpose of paying costs of maintenance, including maintenance of the works included in any scheme, office expenses and salaries, a sum may annually be levied by an authority against each of the participating municipalities.

Apportion-
ment of cost.

(2) After determining the approximate total cost of maintenance for the succeeding calendar year, the authority shall apportion such cost to the participating municipalities accord-

ing to the benefit derived by each such municipality, and the amount apportioned to each municipality shall be levied against each such municipality, and the secretary-treasurer of the authority shall forthwith certify to the clerk of each participating municipality the total amount which has been so levied, and the clerk of the municipality shall calculate and insert the same in the collectors' roll for the current year, and such amount shall be collected in the same manner as municipal taxes for general purposes and paid over to the authority.

(3) An authority may enforce payment against any participating municipality of any portion of the cost of maintenance apportioned and assessed to such municipality as a debt due by such municipality to the authority. Enforcement of payment.

36. Where by this Act any power is conferred or duty imposed upon a municipality, or the council of a municipality, including a power or duty to raise money, such power may be exercised and such duty shall be performed by the council of the municipality without the assent of the electors. Assent of electors not necessary.

37. All moneys required by this Act to be raised for the purposes of an authority shall be paid to the authority and the authority may spend such moneys as it deems proper, provided that no salary, expenses or allowances of any kind shall be paid to any of the members of the authority without the approval of the Ontario Municipal Board. Moneys to be paid to authority.

38. The Lieutenant-Governor in Council may make a grant to any authority out of such funds as may be appropriated therefor by the Legislature. Grants.

39. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

40. This Act may be cited as *The Conservation Authorities Act, 1946*. Short title.

BILL

An Act to provide for the establishment of Conservation Authorities for the purposes of the Conservation, Restoration and Development of Natural Resources, other than Gas, Oil, Coal and Minerals and for the Prevention of Floods and of Water Pollution.

1st Reading

March 27th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. PORTER

No. 134

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Farm Products Marketing Act, 1946.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

This replaces *The Farm Products Control Act* which was first enacted in 1937 and substantially amended in 1938 and 1939. Certain other amendments to that Act, including the change of its title to *The Farm Products Marketing Act* are desirable. The Bill contains the Act of 1937, including the amendments of 1938 and 1939 and the proposed amendments, in consolidated form.

The purpose of the proposed amendments is to clarify the powers, duties and status of local boards created under the Act. No departures from established practices under the Act are included in the amendments. The amendments are as follows:

- a clarification of the definition of “local board” in clause *d* of section 1;
- an extension of the definition of “marketing” to include financing in clause *e* of section 1;
- provision for a board of “one or more persons” instead of a board of “three persons” as contained in subsection 2 of section 2;
- a clarification of the powers of the Board to refuse to grant and renew licences as well as to suspend and revoke licences as contained in clauses *h* and *i* of subsection 1 of section 3;
- a clarification of the general authority of the central Board as contained in clause *j* of subsection 1 of section 3;
- a clarification of the status of local boards as contained in subsection 5 of section 3; and
- a clarification of the manner in which the proceeds from licence fees may be used as contained in clause *c* of subsection 1 of section 8.

BILL

The Farm Products Marketing Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Farm Products Marketing "Board";
Board;
- (b) "farm products" shall include animals, meats, eggs, "farm products";
poultry, wool, dairy products, grains, seeds, fruit,
fruit products, vegetables, vegetable products, maple
products, honey, tobacco and such articles of food
or drink manufactured or derived in whole or in part
from any such product and such other natural pro-
ducts of agriculture as may be designated by the
regulations;
- (c) "licence" shall mean a licence provided for under the "licence";
regulations;
- (d) "local board" shall mean a board constituted under a "local
scheme"; board";
- (e) "marketing" shall include advertising, buying, financ- "market-
ing, selling, transporting, shipping for sale or storage ing";
and offering for sale, but shall not include buying and
selling by retail;
- (f) "Minister" shall mean Minister of Agriculture; "Minister";
- (g) "regulated product" shall mean a farm product in "regulated
respect of which a scheme is in force; product";
- (h) "regulations" shall mean regulations made under this "regula-
Act; and tions";

"scheme".

- (i) "scheme" shall mean any scheme for the marketing or regulating of any farm product which is in force under this Act. R.S.O. 1937, c. 75, s. 1; 1938, c. 11, s. 2; 1939, c. 14, s. 1, *amended*.

Board to be body corporate.

Rev. Stat., c. 75.

2.—(1) The body corporate heretofore established under *The Farm Products Control Act* and known as "The Farm Products Control Board" is continued and shall hereafter be known as "The Farm Products Marketing Board". R.S.O. 1937, c. 75, s. 2 (1), *amended*.

Constitution of Board.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. 1938, c. 11, s. 3.

Chairman.

(3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances to members.

(4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Officers, clerks, etc.—
appointment of.

(3) The Board, subject to the approval of the Lieutenant-Governor in Council, may appoint such officers, clerks and employees as it deems necessary, and the remuneration of such officers, clerks and employees shall be determined by the Lieutenant-Governor in Council.

Authority of Board.

3.—(1) The Board shall have authority to,—

- (a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of farm products or between any two of such classes of persons;
- (b) investigate the cost of producing, processing, distributing and transporting any farm product, prices, price-spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of farm products;
- (c) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme;
- (d) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product;

- (e) exempt from any scheme or any order or direction of the Board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;
- (f) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board, require such persons to furnish such information in regard to the regulated product as the Board may determine, and inspect the books and premises of such persons;
- (g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product;
- (h) refuse to grant any licence for any reason which the Board may deem sufficient;
- (i) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;
- (j) by such means as it may deem proper, stimulate, increase and improve the marketing of farm products. R.S.O. 1937, c. 75, s. 3 (1); 1938, c. 11, s. 4 (1); 1939, c. 13, s. 2, *amended*.

(2) Upon any investigation under this section the Board shall have the same powers as a commissioner under *The Public Inquiries Act*. R.S.O. 1937, c. 75, s. 3 (2). Powers of investigation.
Rev. Stat.,
c. 19.

(3) The Board may delegate to a local board such of its powers as may be necessary for the proper enforcement of any scheme under which a local board is constituted, and may, at any time, terminate such delegation of power. Delegation of powers.

(4) The Board may require a local board to furnish information relating to any product regulated by the scheme under which the local board is constituted. 1938, c. 11, s. 4 (2). Furnishing information.

(5) Every local board shall be a body corporate. *New.* Local board to be body corporate.

4.—(1) Where the Board receives from any group of persons engaged in the marketing of any farm product, a Approval of scheme of marketing.

petition or request asking that any scheme for the marketing or regulation of such farm product, including the establishment of a local board, be adopted, the Board may, if it is of opinion that such group of persons is fairly representative of the persons engaged in the phase of marketing represented by such group, recommend the adoption of such scheme to the Minister. R.S.O. 1937, c. 75, s. 6 (1), *amended*.

Declaring
scheme in
force.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may approve a scheme or any part thereof with such variations or alterations as may be deemed necessary, and may declare it to be in force in Ontario or in any part thereof. R.S.O. 1937, c. 75, s. 6 (2); 1938, c. 11, s. 5.

Penalty.

5. Any person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board, shall be guilty of an offence and liable to a penalty not exceeding \$50 and for a subsequent offence to a penalty of not less than \$50 and not exceeding \$500. R.S.O. 1937, c. 75, s. 8 (1).

Failure to
pay deter-
mined price.

6.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 5, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Distribution
of penalty.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price. 1939, c. 14, s. 5, *part*.

Recovery of
penalties.

7. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 14, s. 5, *part*.

Rev. Stat.,
c. 136.

Regulations.

8.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) regulating and controlling the marketing of farm products, including the agency through which such products may be marketed, within Ontario;
- (b) providing for the licensing by the Board of persons engaged in the marketing or processing of any farm product and fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments;

- (c) providing that any class of licence fees shall be payable to a local board to be used by it for the purpose of carrying out and enforcing the provisions of this Act, the regulations and the scheme under which the local board is established;
- (d) prescribing the form of licences and the terms and conditions upon which such licences may be issued, renewed, suspended or revoked;
- (e) providing for the making of returns or the furnishing of information by any person licensed under this Act;
- (f) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force;
- (g) providing for the furnishing of security or proof of financial responsibility by persons who purchase farm products for resale;
- (h) exempting any person or class of persons from the provisions of the regulations or any portion thereof;
- (i) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product; and
- (j) generally for the better carrying out of the provisions of this Act. R.S.O. 1937, c. 75, s. 4 (1); 1939, c. 14, s. 3, *amended*.

(2) Any regulations made under this section may be limited as to time and place. R.S.O. 1937, c. 75, s. 4 (2). Regulations may be limited.

9. The moneys required for the purpose of the administration of this Act shall be paid out of such sums as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 75, s. 2 (3-6). Administration of Act.

10. Subject to the provisions of this Act which are applicable to the regulations and to schemes and to local boards, the regulations made and every scheme declared to be in force under *The Farm Products Control Act* shall continue in full force and effect under this Act and every local board constituted under any such scheme is continued and shall be deemed to be a local board within the meaning of this Act. *New.* Regulations and schemes under Rev. Stat., c. 75, continued in force.

11. *The Farm Products Control Act, The Farm Products Control Amendment Act, 1938, The Farm Products Control* Rev. Stat., c. 75; 1938, c. 11; 1939, c. 14, c. 47, s. 11, repealed.

Amendment Act, 1939, and section 11 of *The Statute Law Amendment Act, 1939*, are repealed.

12. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

13. This Act may be cited as *The Farm Products Marketing Act, 1946*. Short title.

BILL

The Farm Products Marketing Act, 1946.

1st Reading

March 27th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

No. 134

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

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board";
scheme;
- (e) "marketing" shall include advertising, buying, financ- "market-
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and offering for sale, but shall not include buying and
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- (f) "Minister" shall mean Minister of Agriculture; "Minister";
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Board to be body corporate.

Rev. Stat., c. 75.

2.—(1) The body corporate heretofore established under *The Farm Products Control Act* and known as "The Farm Products Control Board" is continued and shall hereafter be known as "The Farm Products Marketing Board". R.S.O. 1937, c. 75, s. 2 (1), *amended*.

Constitution of Board.

(2) The Board shall consist of one or more persons who shall be appointed by and hold office during the pleasure of the Lieutenant-Governor in Council. 1938, c. 11, s. 3.

Chairman.

(3) The Lieutenant-Governor in Council may appoint one of the members of the Board to act as chairman.

Allowances to members.

(4) The members of the Board shall receive such allowances and expenses as the Lieutenant-Governor in Council may determine.

Officers, clerks, etc.—appointment of.

(3) The Board, subject to the approval of the Lieutenant-Governor in Council, may appoint such officers, clerks and employees as it deems necessary, and the remuneration of such officers, clerks and employees shall be determined by the Lieutenant-Governor in Council.

Authority of Board.

3.—(1) The Board shall have authority to,—

- (a) investigate, arbitrate, adjudicate upon, adjust or otherwise settle any dispute between producers, processors, distributors or transporters of farm products or between any two of such classes of persons;
- (b) investigate the cost of producing, processing, distributing and transporting any farm product, prices, price-spreads, trade practices, methods of financing, management, grading, policies and other matters relating to the marketing of farm products;
- (c) do such acts and make such orders and directions as are necessary to enforce the due observance and carrying out of the provisions of this Act, the regulations and any scheme;
- (d) establish price negotiating agencies in connection with any scheme and adopt or determine fair or minimum prices for any regulated product or any grade of a regulated product;

- (e) exempt from any scheme or any order or direction of the Board any person or class of persons engaged in the producing or marketing of any regulated product or any class, variety or grade of regulated product;
 - (f) require persons engaged in the producing or marketing of a regulated product to register their names, addresses and occupations with the Board, require such persons to furnish such information in regard to the regulated product as the Board may determine, and inspect the books and premises of such persons;
 - (g) require the furnishing of security or proof of financial responsibility by any person engaged in the marketing of a regulated product;
 - (h) refuse to grant any licence for any reason which the Board may deem sufficient;
 - (i) suspend, revoke or refuse to renew any licence for failure to observe, perform or carry out any of the provisions of this Act, the regulations, any scheme or any order or direction of the Board, provided that in every such case the applicant shall be afforded an opportunity of appearing before the Board to show cause why such licence should not be suspended or revoked or why such renewal should not be refused, as the case may be;
 - (j) by such means as it may deem proper, stimulate, increase and improve the marketing of farm products. R.S.O. 1937, c. 75, s. 3 (1); 1938, c. 11, s. 4 (1); 1939, c. 13, s. 2, *amended*.
- (2) Upon any investigation under this section the Board shall have the same powers as a commissioner under *The Public Inquiries Act*. R.S.O. 1937, c. 75, s. 3 (2). Powers of investigation.
Rev. Stat.,
c. 19.
- (3) The Board may delegate to a local board such of its powers as may be necessary for the proper enforcement of any scheme under which a local board is constituted, and may, at any time, terminate such delegation of power. Delegation
of powers.
- (4) The Board may require a local board to furnish information relating to any product regulated by the scheme under which the local board is constituted. 1938, c. 11, s. 4 (2). Furnishing
information.
- (5) Every local board shall be a body corporate. *New.* Local board
to be body
corporate.
- 4.—(1) Where the Board receives from any group of persons engaged in the marketing of any farm product, a Approval of
scheme of
marketing.

petition or request asking that any scheme for the marketing or regulation of such farm product, including the establishment of a local board, be adopted, the Board may, if it is of opinion that such group of persons is fairly representative of the persons engaged in the phase of marketing represented by such group, recommend the adoption of such scheme to the Minister. R.S.O. 1937, c. 75, s. 6 (1), *amended*.

Declaring
scheme in
force.

(2) The Lieutenant-Governor in Council upon the recommendation of the Minister may approve a scheme or any part thereof with such variations or alterations as may be deemed necessary, and may declare it to be in force in Ontario or in any part thereof. R.S.O. 1937, c. 75, s. 6 (2); 1938, c. 11, s. 5.

Penalty.

5. Any person who violates any of the provisions of this Act or the regulations, or of any scheme declared to be in force under this Act, or any order or direction of the Board, shall be guilty of an offence and liable to a penalty not exceeding \$50 and for a subsequent offence to a penalty of not less than \$50 and not exceeding \$500. R.S.O. 1937, c. 75, s. 8 (1).

Failure to
pay deter-
mined price.

6.—(1) Any person who fails to pay the fair or minimum price adopted or determined by the Board for any regulated product shall, in addition to the penalty provided for in section 5, incur a penalty of an amount equal to the amount of such fair or minimum price less any amount paid by such person as payment in full or part payment for such regulated product.

Distribution
of penalty.

(2) The penalties imposed under this section shall be paid to the Board and the Board may, subject to the approval of the Minister, distribute the amount so received *pro rata* among the persons who failed to receive such fair or minimum price. 1939, c. 14, s. 5, *part*.

Recovery of
penalties.

7. The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act*. 1939, c. 14, s. 5, *part*.

Rev. Stat.,
c. 136.

Regulations.

8.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) regulating and controlling the marketing of farm products, including the agency through which such products may be marketed, within Ontario;
- (b) providing for the licensing by the Board of persons engaged in the marketing or processing of any farm product and fixing the licence fees payable by such persons at different amounts and providing for the payment of such licence fees in instalments;

- (c) providing that any class of licence fees shall be payable to a local board to be used by it for the purpose of carrying out and enforcing the provisions of this Act, the regulations and the scheme under which the local board is established;
- (d) prescribing the form of licences and the terms and conditions upon which such licences may be issued, renewed, suspended or revoked;
- (e) providing for the making of returns or the furnishing of information by any person licensed under this Act;
- (f) providing for the carrying out of any scheme of marketing declared by the Lieutenant-Governor in Council to be in force;
- (g) providing for the furnishing of security or proof of financial responsibility by persons who purchase farm products for resale;
- (h) exempting any person or class of persons from the provisions of the regulations or any portion thereof;
- (i) designating any article of food or drink manufactured or derived in whole or in part from a farm product and designating any natural product of agriculture which shall be deemed to be a farm product; and
- (j) generally for the better carrying out of the provisions of this Act. R.S.O. 1937, c. 75, s. 4 (1); 1939, c. 14, s. 3, *amended*.

(2) Any regulations made under this section may be limited as to time and place. R.S.O. 1937, c. 75, s. 4 (2). Regulations may be limited.

9. The moneys required for the purpose of the administration of this Act shall be paid out of such sums as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 75, s. 2 (3-6). Administration of Act.

10. Subject to the provisions of this Act which are applicable to the regulations and to schemes and to local boards, the regulations made and every scheme declared to be in force under *The Farm Products Control Act* shall continue in full force and effect under this Act and every local board constituted under any such scheme is continued and shall be deemed to be a local board within the meaning of this Act. *New.* Regulations and schemes under Rev. Stat., c. 75, continued in force.

11. *The Farm Products Control Act, The Farm Products Control Amendment Act, 1938, The Farm Products Control* Rev. Stat., c. 75; 1938, c. 11; 1939, c. 14, c. 47, s. 11, repealed.

Amendment Act, 1939, and section 11 of *The Statute Law Amendment Act, 1939*, are repealed.

12. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

13. This Act may be cited as *The Farm Products Marketing Act, 1946*. Short title.

BILL

The Farm Products Marketing Act, 1946.

1st Reading

March 27th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. KENNEDY

No. 135

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Libraries Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The maximum amount which may be raised by a municipality for debt charges to carry "Public Library Debentures" is now fixed at one-quarter of the maximum tax rate for public library purposes. This, in some cases, does not permit of the construction of adequate public library buildings and accordingly the maximum amount is raised to one-half of the maximum tax rate for public library purposes. This will not alter the overall maximum amount which may be levied by a municipality for public library purposes.

SECTION 2. The practice of making special grants to small libraries by way of stimulus or in recognition of exceptional service, is authorized.

No. 135

1946

BILL

An Act to amend The Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 40 of *The Public Libraries Act* Rev. Stat., c. 283, s. 40, subs. 1, amended. is amended by striking out the word "one-fourth" in the tenth line and inserting in lieu thereof the word "one-half", so that the said subsection shall now read as follows:

- (1) Where a board requires the council to raise money for the purpose of acquiring a site, or purchasing, erecting or remodelling necessary buildings, and, in the first instance, for obtaining books and other things required for the library, the council may, on the requisition of the board, raise such money by a special issue of debentures of the municipality, to be termed "Public Library Debentures" provided that the annual amount required for debt charges on the debentures with the annual debt charges for existing debentures does not exceed one-half of the public library rate claimable by the board for the year in which the requisition is made, and in the event of a council refusing to raise such sum by debentures, and if the board so requires, the question shall be submitted by the council to a vote of the electors of the municipality entitled to vote on by-laws for the creation of debts in the manner provided by *The Municipal Act* and in the event of the assent of the electors being obtained, it shall be the duty of the council to pass a by-law for raising the amount in the manner provided by that Act but it shall not be necessary to submit such by-law to a vote of the electors. When council may issue debentures on requisition of board.

2. Section 77 of *The Public Libraries Act* is amended by adding thereto the following clause: Rev. Stat., c. 283, s. 77, amended.

(aa) for delegating to the Minister power to make special grants to any board.

Short title.

3. This Act may be cited as *The Public Libraries Amendment Act, 1946*.

BILL

An Act to amend The Public Libraries Act.

1st Reading

March 27th, 1946

2nd Reading

3rd Reading

Mr. DREW

No. 135

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2. Section 77 of *The Public Libraries Act* is amended by Rev. Stat., c. 283, s. 77, amended. adding thereto the following clause:

(aa) for delegating to the Minister power to make special grants to any board.

Short title.

3. This Act may be cited as *The Public Libraries Amendment Act, 1946*.

BILL

An Act to amend The Public Libraries Act.

1st Reading

March 27th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Liquor Licence Act, 1946.

MR. BLACKWELL

BILL

The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "beer" shall mean beer as defined by *The Liquor Control Act*;
- (b) "Board" shall mean The Liquor Licence Board of Ontario;
- (c) "club" shall mean a club,
 - (i) organized in the manner prescribed by the regulations,
 - (ii) having special accommodation, facilities and equipment as prescribed by the regulations,
 - (iii) having for its objects definite purposes of a social, recreational or patriotic nature,
 - (iv) having not less than 50 members,
 - (v) all the members of which, whose names and addresses shall be entered in a list of members, may, upon payment of dues in the manner prescribed by the rules or by-laws of the club, vote for all purposes of the club, and
 - (vi) which is not operated for pecuniary gain;
- (d) "dining lounge" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment therefor food and such special services as may be prescribed by the regulations, are regularly furnished to the public and liquor is served with meals;

"dining
room";

- (e) "dining room" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations and which is used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;

"establish-
ment";

- (f) "establishment" shall mean club, hotel, inn, public house, tavern, military mess, restaurant, railway car or steamship having premises which comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued;

"hotel"
or "inn";

- (g) "hotel" or "inn" shall mean an establishment in regular operation provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment, food and lodging are regularly furnished to the public and having,

(i) in urban municipalities with a population of over 100,000 not less than fifty bedrooms,

(ii) in cities with a population of less than 100,000 and in towns, not less than twenty bedrooms, and

(iii) in any other part of Ontario, not less than ten bedrooms,

and in every case having a sufficient number of bedrooms to serve the needs of the community where the hotel or inn is located;

"justice";

- (h) "justice" shall mean magistrate and where no magistrate is available, shall mean two or more justices of the peace;

"licence";

- (i) "licence" shall mean a licence provided for and issued under this Act;

"licensing
district";

- (j) "licensing district" shall mean a licensing district constituted under this Act;

"licensed
premises";

- (k) "licensed premises" shall mean premises for which a licence is issued under this Act;

"liquor";
Rev Stat,
c. 294.

- (l) "liquor" shall mean liquor as defined by *The Liquor Control Act*;

- (m) "lounge" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment therefor liquor is served;
- (n) "military mess" shall include a canteen and an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada;
- (o) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (p) "Ontario wine" shall mean Ontario wine as defined by *The Liquor Control Act*; ^{"Ontario wine";}
- (q) "public house" shall mean an establishment or part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment beer is served; ^{"public house";}
- (r) "railway car" shall mean railway dining car, railway buffet car, railway club car and a drawing-room, bedroom or compartment in a railway sleeping car; ^{"railway car";}
- (s) "regulations" shall mean regulations made under this Act; ^{"regulations";}
- (t) "restaurant" shall mean an establishment which is exclusively engaged in the serving of regular meals to the public in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals; ^{"restaurant";}
- (u) "steamship" shall mean any vessel propelled through water by any power other than muscular power which carries passengers and plies regularly between any port of Ontario and any port within or outside of Ontario; ^{"steamship";}
- (v) "tavern" shall mean an establishment having separate parts thereof which are provided with the special accommodation, facilities and equipment required by the regulations for at least two of the following classes of licences, ^{"tavern";}
 - (i) dining lounge licence,
 - (ii) dining room licence,

(iii) lounge licence,

(iv) public house licence;

"wine".

(w) "wine" shall mean wine as defined by *The Liquor Control Act*. 1944, c. 33, s. 1, *amended*.

THE BOARD.

The Liquor
Licence
Board of
Ontario.

2. There shall be a Board known as "The Liquor Licence Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council. 1944, c. 33, s. 2, *amended*.

Chairman
and vice-
chairman.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman. 1944, c. 33, s. 3.

Quorum.

4. Two members of the Board shall constitute a quorum. 1944, c. 33, s. 4.

Disqualifi-
cation,—
members
and staff.

5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor, beer or wine;

(b) any licensed premises; or

(c) any contract of any nature in respect of any licensed premises, or any premises upon which liquor, beer or wine is manufactured, produced, sold or kept for sale. 1944, c. 33, s. 5, *amended*.

Salaries of
Board.

6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council. 1944, c. 33, s. 6.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint. 1944, c. 33, s. 7.

Salaries of
staff.

8. The registrar, deputy registrars, officers, inspectors and employes of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 8.

9. Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 9. ^{Special services.}

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by The Liquor Control Board of Ontario. 1944, c. 33, s. 10; 1945, c. 11, s. 1. ^{Payment by Provincial Treasurer.}

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compelled to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board. 1944, c. 33, s. 11. ^{Officials not compelled to testify.}

12. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf. 1944, c. 33, s. 61. ^{Audit of books.}

LICENSING DISTRICTS.

13. The Lieutenant-Governor in Council may designate any area in Ontario as a licensing district. 1944, c. 33, s. 12, *amended.* ^{Licensing districts.}

PROCEEDINGS BEFORE AND INVESTIGATIONS BY THE BOARD.

14. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers. 1944, c. 33, s. 13. ^{Form of proceedings.}

15. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application. 1944, c. 33, s. 14. ^{Review of order.}

16. For the purpose of any hearing or investigation, the Board shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and ^{Evidence.}

things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;
- (b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and
- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section. 1944, c. 33, s. 15, amended.

Rev. Stat.,
c. 119.

Investi-
gations by
Board.

17.—(1) The Board may make such investigation as it deems expedient for the due administration of this Act, into or respecting,—

- (a) any person or the affairs or conduct of any person;
- (b) any authority at any time issued or held under *The Liquor Control Act* or *The Liquor Authority Control Act, 1944*, or any licence at any time issued or held under this Act, or any premises in respect of which any such authority or licence was at any time issued or held; or
- (c) any matter pertaining to the sale or handling of or transactions in liquor.

Seizure of
documents,
etc.

(2) Where an investigation is or is about to be undertaken under this section the Board may by order,—

- (a) authorize any person to seize and take possession of any documents, records or other property belonging to, in the possession or under the control of any person which the Board deems may be relevant to the investigation; and
- (b) appoint an accountant or other expert to examine documents, records, property or other matters which

Examination
of docu-
ments, etc.

the Board deems may be relevant to the investigation. *New.*

18.—(1) In addition to any audit provided for by the regulations the Board may at any time authorize and direct any person to enter upon the premises where the books, accounts or records of or pertaining to any establishment, distillery, brewery or winery are kept or may be, and to inspect, study, audit, take extracts from or seize such books, accounts or other records. ^{Special audit.}

(2) Every person having any book, account or record in his possession or under his control who refuses or fails to produce it or to comply with a request made pursuant to an authorization or direction of the Board given under subsection 1, shall be guilty of an offence and liable to a penalty of not exceeding \$1,000. *New.* ^{Penalty.}

19. No order, direction, certificate or subpoena or other document of the Board shall be valid or binding unless it is issued in the name of the Board and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar. 1944, c. 33, s. 16. ^{Validity of orders.}

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise in any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada). 1944, c. 33, s. 17. ^{Finality of orders.} ^{R.S.C., c. 36.}

LICENCES AND PERMITS.

21.—(1) Licences may be issued under this Act for establishments as provided in section 23 and shall be of the following classes and for the purposes indicated,— ^{Licences.}

- (a) "dining lounge licence" for the sale and consumption of liquor with meals;
- (b) "dining room licence" for the sale and consumption of beer and wine with meals;
- (c) "lounge licence" for the sale and consumption of liquor;
- (d) "public house licence" for the sale and consumption of beer in premises to which men only are admitted;

- (e) "public house licence" for the sale and consumption of beer in premises to which women only or men and women are admitted. *New.*

Expiration of licences.

(2) Subject to the provisions of this Act relating to the renewal, suspension and cancellation of licences, every licence shall expire at midnight on the 31st day of March next following the issue thereof. 1944, c. 33, s. 19.

Number of licences to be issued in municipality.

(3) The Board may restrict the number of licences or of any class of licences which it shall issue in any municipality. 1944, c. 33, s. 20, *amended.*

Banquet or entertainment permits.

22.—(1) The Board may issue banquet or entertainment permits for the serving of liquor on designated premises for special occasions as provided by the regulations and may issue any such permit upon such terms and subject to such conditions as it may prescribe.

Application.

(2) Application for a banquet or entertainment permit may be made to the registrar or to the deputy registrar for the licensing district in which the banquet or entertainment is to be held. *New.*

Licences,—issue of.

23.—(1) The Board may, subject to this Act and the regulations and to the local option provisions of any Act of the Parliament of Canada or of this Legislature, issue to the owner of an establishment of any of the following classes, a licence or licences of one or more of the classes indicated:

- (a) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in an urban municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, set out in subsection 1 of section 69;

- (b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in an urban municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, of subsection 1 of section 69;

- (c) clubs, military messes, railway cars and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence;

- (d) restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a dining room licence;

- (e) public houses, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a public house licence,

provided that the Board shall not issue a dining room licence or a public house licence in an urban municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of an establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, including therein a privilege corresponding

to the licence to be issued under this Act, was held at the date of the coming into force of this Act, until an affirmative vote has been taken on question *d*, *e* or *f*, as the case may be, set out in subsection 1 of section 69.

Scope of
licence
may be
restricted.

(2) The Board may restrict the scope or effect of any licence or may issue a licence upon such terms and subject to such further conditions as it may prescribe. *New.*

Classifi-
cation of
establish-
ments.

24. The Board shall classify all establishments in respect of which a licence is applied for or issued. *New.*

Classifi-
cation of
establish-
ments
authorized
under 1944,
c. 33.

25.—(1) The Board may, for the purposes of this Act, classify any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act.

Issue of
licence.

(2) Notwithstanding any of the provisions of this Act, the Board may, either before or upon the coming into force of this Act, issue for any establishment for which an authority is held under *The Liquor Authority Control Act, 1944*, a licence or licences corresponding to the privileges included in such authority, but every licence so issued shall be reviewed as soon as may be.

Classifi-
cation as
hotel.

(3) Where in the opinion of the Board any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act, is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel notwithstanding that it does not comply with the requirements of subclauses i, ii or iii of clause g of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board may deem advisable. *New.*

Bedroom
accommoda-
tion.

26. Where an establishment in respect of which a licence is issued other than an establishment which is classified by the Board as an hotel, has bedroom accommodation available to the public, such bedroom accommodation shall be rented only for weekly or longer periods. *New.*

Where issue
of licence
prohibited.

27.—(1) No licence may be issued or renewed under this Act to any person who,—

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the licence is sought;

- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations; or
- (g) if a club, does not comply with the requirements of this Act and the regulations.

(2) Any person applying for the issue or renewal of a licence who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 28 shall be guilty of an offence. 1944, c. 33, s. 21, *amended*. Failure to disclose.

28.—(1) No licence may be issued or renewed under this Act,— Where issue of licence prohibited.

- (a) to any person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) to any manufacturer of liquor, or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest

is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the licence or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest. 1944, c. 33, s. 22, *amended*.

Information re corporations.

29. The directors of an incorporated company which applies for the issue, renewal or transfer to it of a licence, shall at the time of making such application or at any other time during the term of the licence, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required. 1944, c. 33, s. 23, *amended*.

RIGHTS IN LICENCE.

Licence not to confer any vested right.

30. No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such licence shall not be capitalized but shall become the property of the Crown in right of Ontario. 1944, c. 33, s. 25, *amended*.

ANNUAL MEETING.

Annual meeting.

31. The Board shall hold an annual meeting at a convenient place determined by the Board in each licensing district between the 1st day of November and the last day of February in the year next following. 1944, c. 33, s. 26, *amended*.

Notice of annual meeting.

32. Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the licensing district at least ten days before such meeting. 1944, c. 33, s. 27, *amended*.

Business of Board.

33. The Board shall at the annual meeting hear and determine applications for the renewal of licences. 1944, c. 33, s. 28, *amended*.

SPECIAL MEETINGS.

Special meetings.

34. The Board may hold such special meetings as it deems necessary for the hearing and determination of,—

- (a) application for new licences;
- (b) deferred applications for renewals of licences;
- (c) proceedings involving the cancellation or suspension of a licence;
- (d) applications for transfers of licences;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of a licence;
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board.
1944, c. 33, s. 29, *amended*.

PROCEEDINGS ON APPLICATIONS.

35. Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 30, *amended*. ^{Filing of application.}

36. Notice of the application for a licence in the form prescribed by the regulations shall be published twice,— ^{Publication.}

- (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
- (b) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least one week apart and the second of such publications shall be not less than two weeks before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 31, *amended*.

37. A licence shall not be issued by the Board unless the applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board. 1944, c. 33, s. 32, *amended*. ^{Personal application.}

Renewals. **38.** Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of a licence to publish notice of his application or to appear in person before the Board. 1944, c. 33, s. 33, *amended*.

Objections. **39.**—(1) Any person resident in a licensing district where the premises concerning which the application is made are situated, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least ten days before the meeting at which the application is to be heard. 1944, c. 33, s. 34 (1), *amended*.

Applicant to be notified. (2) Upon receipt of any objection to an application, the deputy registrar shall notify the applicant thereof. 1944, c. 33, s. 34 (2).

CANCELLATION AND SUSPENSION OF LICENCES.

Application for cancellation. **40.**—(1) Upon an application being made to the Board for the cancellation or suspension of a licence, the Board may in its discretion by notice in writing require the holder of the licence to show cause to the Board why the licence should not be cancelled or suspended, and in the event of the failure of the holder of the licence to show cause the Board shall take such action as the circumstances may require.

Notice to licence holder. (2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the licence holder at his last known address at least seven days before the date of the meeting. 1944, c. 33, s. 35, *amended*.

Powers of Board at hearing. **41.** Upon the hearing of an application for suspension or cancellation of a licence the Board may dismiss the application or make such order as it deems proper and in any such order may,—

- (a) suspend the licence for an indefinite period;
- (b) cancel the licence;
- (c) disqualify any person from holding a licence;
- (d) disqualify any premises from being eligible as licensed premises; and
- (e) impose such conditions upon the holder of the licence as the circumstances may require. 1944, c. 33, s. 36, *amended*.

When licence to be cancelled. **42.** The Board shall cancel a licence for the following causes,—

- (a) persistent non-compliance of the licence holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder; Rev. Stat., c. 294.
- (b) persistent failure by the licence holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the licensed premises in a clean and sanitary condition;
- (d) persistent non-compliance by the licence holder with any municipal by-law affecting the licensed premises; or
- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 27 or subsection 1 of section 28 prevent the issue of a licence. 1944, c. 33, s. 37, *amended*.

TRANSFER OF LICENCES.

43.—(1) No licence may be sold, leased, assigned, charged, transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent. Transfer of licences.

(2) Upon any transfer of a licence the vendor shall pay to the Treasurer of Ontario the monopoly value of the licence at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the licence. Monopoly value to be paid to Treasurer of Ontario.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of a licence to present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply. 1944, c. 33, s. 38, *amended*. Transfer of shares in incorporated company.

44.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any licensed premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 43 and Power of Board to purchase premises.

the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board may
sell
licensed
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any licensed premises or any shareholding interest acquired under this section. 1944, c. 33, s. 39, *amended*.

COMPENSATION FOR DISQUALIFICATION.

Compensa-
tion may
be awarded.

45.—(1) Where the Board disqualifies any premises from holding a licence for a cause which is not the fault of or is beyond the control of the licence holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the licence as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule or other method of valuation prescribed by the regulations. 1944, c. 33, s. 40 (1), *amended*.

Payment.

(2) The Liquor Control Board of Ontario shall pay the compensation mentioned in subsection 1 upon the requisition of the Board. 1944, c. 33, s. 40 (2); 1945, c. 11, s. 2.

REVENUE.

Payment of
revenue.

46. All moneys received by the Board from licence fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario. 1944, c. 33, s. 41, *amended*.

SALE OF LIQUOR IN LICENSED PREMISES.

What
liquor
may be
sold.

47. No liquor may be kept for sale, sold or served in any licensed premises except such liquor as may be,—

(a) prescribed in the licence; and

(b) purchased by the holder of the licence in accordance with the provisions of *The Liquor Control Act* and the regulations thereunder. 1944, c. 33, s. 42, *amended*.

48. The Board shall in every licence issued specify the part of the establishment to which the sale, serving and consumption of liquor shall be restricted and confined. 1944, c. 33, s. 43, *amended*. Sale of liquor in specified places only.

49. Where two types of public house licences are issued for any establishment,— Public house licences, where two issued for establishment.

- (a) there shall be no internal means of communication between the premises operated under each of such licences;
- (b) each of such premises shall have separate entrances for the public;
- (c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and
- (d) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises. *New.*

50.—(1) No liquor shall knowingly be sold or served in or at any licensed premises to any person who is under the age of twenty-one years. Minors.

(2) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years. Idem.

(3) No liquor shall be sold on or at any licensed premises to or for any person who is apparently in an intoxicated condition. Intoxicated persons.

(4) No person holding a licence under this Act shall permit or suffer in the premises for which the licence is issued,— Conduct of premises.

- (a) any constable or police officer while on duty to consume any liquor;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain; or

(d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding a licence under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the licenced premises where liquor is sold or kept for sale, except in a dining room or dining lounge.

Objectionable persons.

(6) Any person holding a licence under this Act, who has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such licence is issued, that such person, although not of notoriously bad character, is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such licensed premises immediately, and unless the request is forthwith complied with such person may be forcibly removed. 1944, c. 33, s. 45, *amended*.

Minors.

51.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor on any licensed premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of a licensed premises where liquor is sold or kept for sale, except a dining room or dining lounge, shall be guilty of an offence against this Act. 1944, c. 33, s. 46, *amended*.

Sale and consumption.

52. No liquor may be sold or served to any person or consumed by him in any licensed premises, except in accordance with the regulations. 1944, c. 33, s. 47 (1), *amended*.

Neglecting children.

53. No person who is a parent, guardian or head of a family having the care, custody and control of a child under the age of eight years shall enter or remain upon any premises where liquor is sold or kept for sale while such child is unattended by a competent person. *New*.

Inducements to licensees.

54. No distillery, brewery or winery, or other person shall, either directly or indirectly, offer or give any financial or material inducement to any licensee or his agent or employee for the purpose of increasing the sale or distribution of any brand of liquor, whether such inducement be by way of discount, rebate, sale under the established price for products of the same or a similar quantity, or by the installation of equipment or other form of payment or benefit. *New*.

Sales to interdicted persons prohibited.

55. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no inter-

dicted person shall enter on or be permitted or suffered to remain in that part of any licensed premises where liquor is sold except in a dining room or dining lounge. 1944, c. 33, s. 49, *amended*.

56. For the purposes of this Act, a member of the naval, ^{Member of forces.} military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving or has served in any of such forces shall be deemed to be twenty-one years of age or over. 1944, c. 33, s. 50, *amended*.

57. Any police officer or constable may arrest without ^{Arrest without} warrant any person whom he finds committing an offence ^{warrant.} against this Act. 1944, c. 33, s. 51.

PENALTIES AND PROCEDURE.

58. Every person who violates any of the provisions of ^{Offences.} this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not. 1944, c. 33, s. 52.

59.—(1) Every person who violates the provisions of sub- ^{Penalties.} section 1 of section 50 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months. 1944, c. 33, s. 54 (1).

(2) Every person who violates the provisions of section 54 ^{Idem.} shall be guilty of an offence and liable to a penalty not exceeding \$10,000. *New.*

(3) Every person who violates any of the provisions of this ^{Idem.} Act or the regulations other than subsection 1 of section 50 or section 54, shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

(4) Where an offender convicted of an offence referred to ^{Corporations.} in this section, other than a violation of section 54, is a corporation it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000. 1944, c. 33, s. 54 (2, 3).

60. In the prosecution of any offence under this Act in ^{Onus.} which possession of liquor is an element of the offence, upon

prima facie proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof. 1944, c. 33, s. 53.

Removal of
liquor
packages.

61. Proof of the removal of any liquor from any licensed premises in any packages shall be *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*. 1944, c. 33, s. 48, *amended*.

Analysis by
Dominion or
provincial
analysts.

62. In any prosecution under this Act or the regulations, upon production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature. 1944, c. 33, s. 55.

Inference
as to intoxi-
cating
liquor.

63. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor. 1944, c. 33, s. 56.

Recovery
of penalties.

64.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act. 1944, c. 33, s. 57 (1).

Rev. Stat.,
c. 136.

Fines to be
paid to
Liquor
Control
Board.

(2) Subject to section 83, all money penalties imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario. 1944, c. 33, s. 57 (2), *amended*.

CIVIL LIABILITY.

Civil
liability.

65. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,—

- (a) commits suicide or meets death by accident an action under *The Fatal Accidents Act* will lie against the person who or whose servant or agent sold the liquor; or Rev. Stat., c. 210.
- (b) causes injury or damage to the person or property of another person, such other person shall be entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor. *New.*

EMPLOYEES OF LICENCE HOLDERS.

66.—(1) The Board may require every person who, being an employee of a person who operates licensed premises, is in any way engaged in selling or serving liquor, to obtain an employee's licence from the Board in accordance with the regulations. Employees of licence holders.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's licence, no person who is not so licensed may be employed in the sale or serving of liquor in any licensed premises. 1944, c. 33, s. 58, *amended.* Sale by licensed employees.

LOCAL OPTION.

67. Nothing contained in this Act shall be construed as interfering with the operation of the *Canada Temperance Act* applicable to any part of Ontario, and no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in an area in which the *Canada Temperance Act* has been brought into force and is still in force. Stores not to be established where C.T.A. in force.

68. Except as provided by this Act and the regulations no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69. Government stores and wine stores not to be established in certain districts. 1916, c. 50; Rev. Stat., 1914, c. 215.

69.—(1) The council of any municipality in which a by-law mentioned in section 68 is in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

- (a) Are you in favour of the establishment of government stores for the sale of liquor?
- (b) Are you in favour of the establishment of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the sale of liquor under a lounge licence for consumption on licensed premises?

Petition
requesting
submission
of questions.

(2) Where a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit one or more of the questions set out in subsection 1 is filed with the clerk of the municipality and with the Board, the council shall submit such question or questions to a vote of the electors.

Where
affirmative
vote
polled.

(3) Where three-fifths of the electors voting on the question vote in the affirmative, it shall be lawful to establish government stores, authorize Ontario wine stores or issue licences within the municipality accordingly.

Submission
of questions
as to con-
tinuance of
stores.

70.—(1) Where a government store is established, an Ontario wine store authorized, or premises licensed in any municipality the council may, and on petition as provided in section 69, which section shall apply *mutatis mutandis*, shall submit to the electors whichever of the following questions may be applicable:

- (a) Are you in favour of the continuance of government stores for the sale of liquor?
- (b) Are you in favour of the continuance of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the continuance of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the continuance of the sale of liquor under a lounge licence for consumption on licensed premises?

(2) Where three-fifths of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, the authority of any Ontario wine store authorized in the municipality shall be terminated or licences of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon.

71. Where petitions are presented praying for the submission of a definite question or set of questions, the question or questions to be submitted shall be that or those asked for in the first petition filed, unless the Board otherwise directs.

72.—(1) Where a question is submitted in a municipality under section 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission.

Time for
submission
of questions
e to h of
section 70.

(2) Questions *e, f, g, and h* set out in subsection 1 of section 70 shall not be submitted in any municipality until after the expiration of two years from the coming into force of this Act.

Appoint-
ment of
managers
for vote.

73.—(1) At least five weeks before the taking of a vote upon any question under section 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1937, c. 294, s. 69 (4), *amended*.

Notice of
filing of
petition.

(2) When any petition has been filed with the clerk of the municipality pursuant to the provisions of section 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition. R.S.O. 1937, c. 294, s. 69 (5).

Date of
polling.

Rev. Stat.,
c. 266.

74. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality unless the Board fixes some other day and notifies the clerk of the municipality to that effect; but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. R.S.O. 1937, c. 294, s. 69 (6), *amended*.

Who may
vote.

75. The persons qualified to vote upon a question or questions shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions; provided that in the event of the taking of a vote under section 70, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any

1916, c. 50.

Rev. Stat.
1914, c. 215.

other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question or questions until a vote has been taken in such portion of the municipality on one or more of the questions set out in subsection 1 of section 69, and three-fifths of the electors voting on such question or questions have voted in the affirmative. R.S.O. 1937, c. 294, s. 69 (7), *amended*.

76.—(1) Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* respecting,—

Application
of general
law.
Rev. Stat.,
cc. 8, 7.

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote submitted under this section. R.S.O. 1937, c. 294, s. 69 (8), *amended*.

(2) Subject to the approval of the Lieutenant-Governor in Council the Chief Election Officer shall give such directions and make such regulations and prepare such forms as may appear to him to be necessary in carrying out the provisions of sections 68 to 80 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* and *The Voters' Lists Act* when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by sections 68 to 80.

Directions
as to taking
vote.

Rev. Stat.,
cc. 8, 7.

(3) The forms to be used at the taking of the vote upon a question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as may be necessary. R.S.O. 1937, c. 294, s. 69 (11, 12), *amended*.

Forms.

Clerk of
revision.

(4) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*. R.S.O. 1937, c. 294, s. 69 (16).

Revision
of lists.

77.—(1) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in the case of an election to the Assembly.

Rev. Stat.,
cc. 7, 8.

Chairman's
fees.

(2) The chairman shall be entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses. R.S.O. 1937, c. 294, s. 69 (14, 15).

Polling
lists.

(3) It shall not be necessary for the polling lists for use at the taking of a vote to be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. R.S.O. 1937, c. 294, s. 69 (17), *amended*.

Fees and
expenses.

78. The fees and expenses to be allowed to returning officers and other officers and servants for services performed under sections 68 to 80, and the expenses incurred in carrying out the provisions of sections 68 to 80 shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1937, c. 294, s. 69 (13), *amended*.

Returning
officer.

79.—(1) The returning officer upon the taking of a vote shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to
Clerk of
Crown in
Chancery.

(2) The returning officer shall make his return to the Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question or questions submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the *Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions. R.S.O. 1937, c. 294, s. 69 (9, 10), *amended*.

Where
validity of
vote
questioned.

80. Notwithstanding anything contained in this or any other Act where the validity of a vote on any question or

questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct. R.S.O. 1937, c. 294, s. 69 (21), *amended*. Rev. Stat.,
c. 266.

REGULATIONS.

81. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary, and without limiting the generality of the foregoing, such powers shall extend to and include the following:

- (a) prescribing the special accommodation, facilities and equipment which shall be required in or in respect of the various classes of premises for which the various classes of licences may be issued including the prescribing of different standards of accommodation, facilities and equipment in different classes of establishments;
- (b) providing for different classes of clubs and prescribing the manner in which clubs of the different classes shall be organized and the special accommodation, facilities and equipment which shall be required and in the case of any class of clubs, prescribing who shall be deemed to be members thereof for the purposes of this Act;
- (c) prescribing the special services which shall be furnished in a dining lounge;
- (d) restricting the classes of licences which may be issued to any class of establishments;
- (e) restricting the scope and effect of licences of the various classes and prescribing terms and conditions governing the sale of liquor and other relevant matters relating to the operation of premises for which licences of the various classes are issued;
- (f) prescribing the fees payable in respect of the issue and transfer of licences including the prescribing of fees in varying amounts for licences issued in respect of various classes of establishments;

- (g) prescribing the fees, schedules or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 43 and 45;
- (h) governing and regulating premises in respect of which licences may be issued;
- (i) governing the issue, renewal, transfer, refusal, suspension and cancellation of licences;
- (j) governing the location, construction, maintenance, management and operation of licensed premises;
- (k) governing the issue and cancellation of banquet or entertainment permits;
- (l) governing the purchase, delivery, keeping for sale, sale, serving and consuming of liquor;
- (m) prescribing the persons to whom the sale of liquor is to be restricted or prohibited;
- (n) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed;
- (o) providing for the licensing of employees of persons operating licensed premises and prescribing requirements applicable to such employees;
- (p) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to licensed premises and the examination and audit which shall be made of such books and records;
- (q) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board and the books of account and other records to be kept by the Board;
- (r) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (s) prescribing the signs which may be erected on or in licensed premises;
- (t) prescribing the hours and days upon which and the manner, methods and means by which liquor shall be delivered to licensed premises;

- (u) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding a licence;
- (v) governing the manner of incorporation of corporations which may hold licences;
- (w) prescribing the procedure to be followed upon applications to the Board;
- (x) prescribing the form of ballots to be used for voting upon a question submitted in a municipality; and
- (y) generally for the better carrying out of the provisions of this Act. 1944, c. 33, s. 59, *amended*.

REPORTS.

82.—(1) The Board shall from time to time make reports ^{Reports.} to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

- (a) a statement of the operations of the Board;
- (b) a statement of the number of licences in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of licences which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

(2) Every annual report shall be laid before the Legislature as soon as may be. 1944, c. 33, s. 60, *amended*.

Report to
be presented
to Legisla-
ture.

AGREEMENT WITH MUNICIPALITY.

Agreement
with muni-
cipality.

Rev. Stat.,
c. 294.

83. Subject to the approval of the Lieutenant-Governor in Council the Board may enter into an agreement with the council of any municipality for the enforcement within the municipality by the council of the provisions of this Act, *The Liquor Control Act* and the regulations hereunder and thereunder, and may in such agreement provide for the payment to the council of,—

- (a) a portion of the fees for licences issued in respect of establishments in the municipality; and
 - (b) the fines or any portion of the fines imposed in any prosecutions instituted by officers designated by the council pursuant to the agreement, for a violation of this Act, *The Liquor Control Act* or the regulations hereunder or thereunder within the municipality.
- New.*

COMMENCEMENT OF ACT.

Commence-
ment of
Act.

84. This Act, except any portion thereof as may be specifically excepted, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation.

REPEAL.

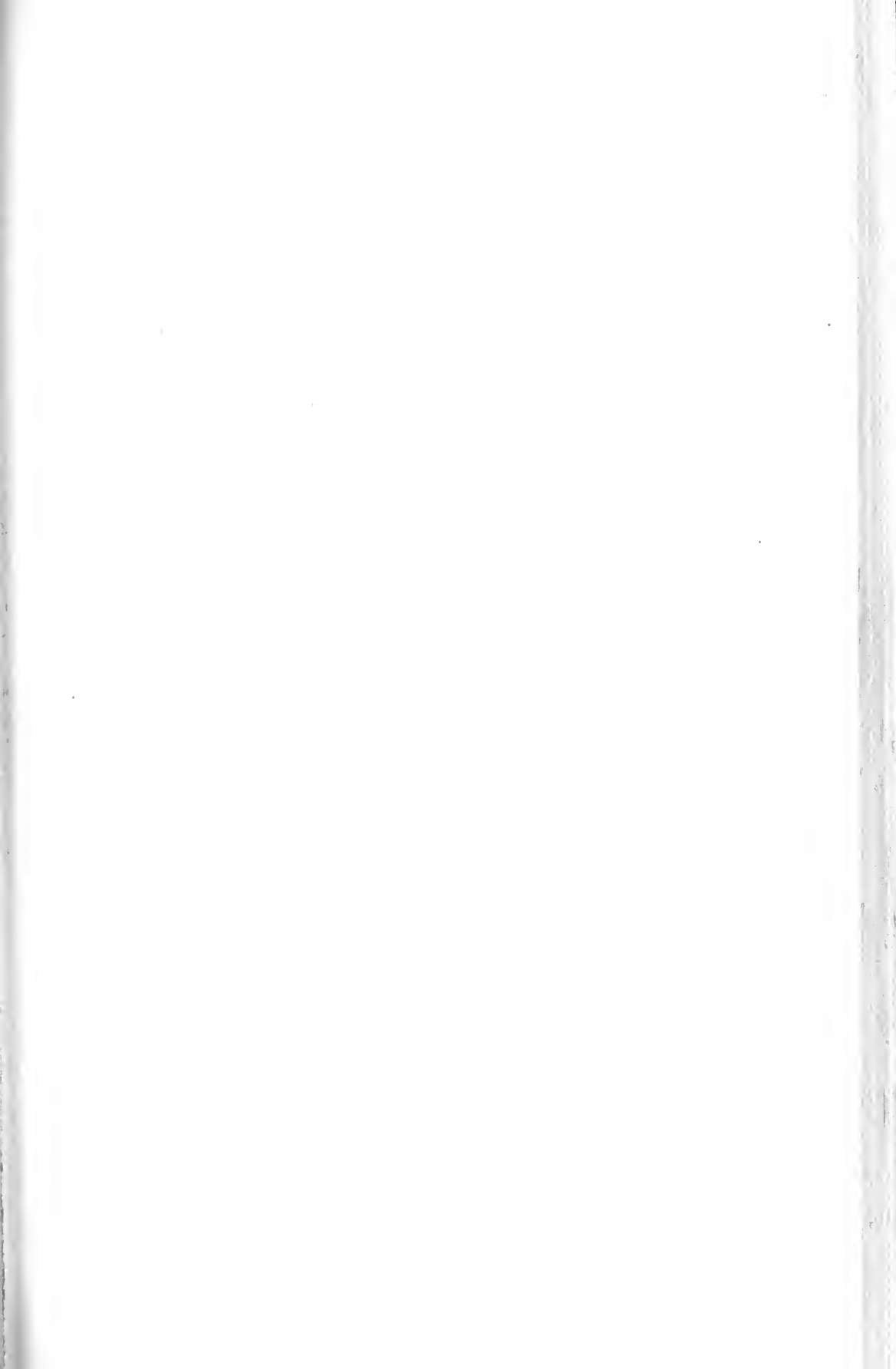
1944, c. 33;
1945, c. 11,
repealed.

85. *The Liquor Authority Control Act, 1944*, and *The Liquor Authority Control Amendment Act, 1945*, are repealed.

SHORT TITLE.

Short title.

86. This Act may be cited as *The Liquor Licence Act, 1946*.



BILL
The Liquor Licence Act, 1946.

1st Reading
March 28th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

No. 136

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Liquor Licence Act, 1946.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "beer" shall mean beer as defined by *The Liquor Control Act*;
- (b) "Board" shall mean The Liquor Licence Board of "Board"; Ontario;
- (c) "club" shall mean a club, "club";
 - (i) organized in the manner prescribed by the regulations,
 - (ii) having special accommodation, facilities and equipment as prescribed by the regulations,
 - (iii) having for its objects definite purposes of a social, recreational or patriotic nature,
 - (iv) having not less than 50 members,
 - (v) all the members of which, whose names and addresses shall be entered in a list of members, may, upon payment of dues in the manner prescribed by the rules or by-laws of the club, vote for all purposes of the club, and
 - (vi) which is not operated for pecuniary gain;
- (d) "dining lounge" shall mean part of an establishment "dining lounge"; provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment therefor food and such special services as may be prescribed by the regulations, are regularly furnished to the public and liquor is served with meals;

"dining
room";

- (e) "dining room" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations and which is used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;

"establish-
ment";

- (f) "establishment" shall mean club, hotel, inn, public house, tavern, military mess, restaurant, railway car or steamship having premises which comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued;

"hotel"
or "inn";

- (g) "hotel" or "inn" shall mean an establishment in regular operation provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment, food and lodging are regularly furnished to the public and having,

(i) in urban municipalities with a population of over 100,000 not less than fifty bedrooms,

(ii) in cities with a population of less than 100,000 and in towns, not less than twenty bedrooms, and

(iii) in any other part of Ontario, not less than ten bedrooms,

and in every case having a sufficient number of bedrooms to serve the needs of the community where the hotel or inn is located;

"justice";

- (h) "justice" shall mean magistrate and where no magistrate is available, shall mean two or more justices of the peace;

"last revised
list of the
municipality";

- (i) "last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly;

"licence";

- (j) "licence" shall mean a licence provided for and issued under this Act;

"licensing
district";

- (k) "licensing district" shall mean a licensing district constituted under this Act;

"licensed
premises";

- (l) "licensed premises" shall mean premises for which a licence is issued under this Act;

"liquor";
Rev Stat,
c. 294.

- (m) "liquor" shall mean liquor as defined by *The Liquor Control Act*;

- (n) "lounge" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment therefor liquor is served; "lounge";
- (o) "military mess" shall include a canteen and an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada; "military mess";
- (p) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the administration of this Act; "Minister";
- (q) "Ontario wine" shall mean Ontario wine as defined by *The Liquor Control Act*; "Ontario wine";
- (r) "public house" shall mean an establishment or part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment beer is served; "public house";
- (s) "railway car" shall mean railway dining car, railway buffet car, railway club car and a drawing-room, bedroom or compartment in a railway sleeping car; "railway car";
- (t) "regulations" shall mean regulations made under this Act; "regulations";
- (u) "restaurant" shall mean an establishment which is exclusively engaged in the serving of regular meals to the public in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals; "restaurant";
- (v) "steamship" shall mean any vessel propelled through water by any power other than muscular power which carries passengers and plies regularly between any port of Ontario and any port within or outside of Ontario; "steamship";
- (w) "tavern" shall mean an establishment having separate parts thereof which are provided with the special accommodation, facilities and equipment required by the regulations for at least two of the following classes of licences,

- (i) dining lounge licence,

- (ii) dining room licence,

(iii) lounge licence,

(iv) public house licence;

"wine".

(x) "wine" shall mean wine as defined by *The Liquor Control Act*. 1944, c. 33, s. 1, *amended*.

THE BOARD.

The Liquor
Licence
Board of
Ontario.

2. There shall be a Board known as "The Liquor Licence Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council. 1944, c. 33, s. 2, *amended*.

Chairman
and vice-
chairman.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman. 1944, c. 33, s. 3.

Quorum.

4. Two members of the Board shall constitute a quorum. 1944, c. 33, s. 4.

Disqualifi-
cation,—
members
and staff.

5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor;

(b) any licensed premises; or

(c) any contract of any nature in respect of any licensed premises, or any premises upon which liquor is manufactured, produced, sold or kept for sale. 1944, c. 33, s. 5, *amended*.

Salaries of
Board.

6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council. 1944, c. 33, s. 6.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint. 1944, c. 33, s. 7.

Salaries of
staff.

8. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 8.

9. Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 9. ^{Special services.}

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by The Liquor Control Board of Ontario. 1944, c. 33, s. 10; 1945, c. 11, s. 1. ^{Payment of salaries.}

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board. 1944, c. 33, s. 11. ^{Officials not compelled to testify.}

12. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf. 1944, c. 33, s. 61. ^{Audit of books.}

LICENSING DISTRICTS.

13. The Lieutenant-Governor in Council may designate any area in Ontario as a licensing district. 1944, c. 33, s. 12, *amended*. ^{Licensing districts.}

PROCEEDINGS BEFORE AND INVESTIGATIONS BY THE BOARD.

14. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers. 1944, c. 33, s. 13. ^{Form of proceedings.}

15. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application. 1944, c. 33, s. 14. ^{Review of order.}

16. For the purpose of any hearing or investigation, the Board shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and ^{Evidence.}

things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;
- (b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

Rev. Stat.,
c. 119.

- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section. 1944, c. 33, s. 15, amended.

Investi-
gations by
Board.

17.—(1) The Board may make such investigation as it deems expedient for the due administration of this Act, into or respecting,—

- (a) any person or the affairs or conduct of any person;
- (b) any authority at any time issued or held under *The Liquor Control Act* or *The Liquor Authority Control Act, 1944*, or any licence at any time issued or held under this Act, or any premises in respect of which any such authority or licence was at any time issued or held; or
- (c) any matter pertaining to the sale or handling of or transactions in liquor.

Seizure of
documents,
etc.

(2) Where an investigation is or is about to be undertaken under this section the Board may by order,—

- (a) authorize any person to seize and take possession of any documents, records or other property belonging to, in the possession or under the control of any person which the Board deems may be relevant to the investigation; and

Examination
of docu-
ments, etc.

- (b) appoint an accountant or other expert to examine documents, records, property or other matters which

the Board deems may be relevant to the investigation. *New.*

18.—(1) In addition to any audit provided for by the regulations the Board may at any time authorize and direct any person to enter upon the premises where the books, accounts or records of or pertaining to any establishment, distillery, brewery or winery are kept or may be, and to inspect, study, audit, take extracts from or seize such books, accounts or other records. ^{Special audit.}

(2) Every person having any book, account or record in his possession or under his control who refuses or fails to produce it or to comply with a request made pursuant to an authorization or direction of the Board given under subsection 1, shall be guilty of an offence and liable to a penalty of not exceeding \$1,000. *New.* ^{Penalty.}

19. No order, direction, certificate or subpoena or other document of the Board shall be valid or binding unless it is issued in the name of the Board and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar. 1944, c. 33, s. 16. ^{Validity of orders.}

20. The decisions, orders and rulings of the Board shall be final and shall not be questioned, reviewed or restrained by injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the *Criminal Code* (Canada). 1944, c. 33, s. 17. ^{Finality of orders.} ^{R.S.C., c. 36.}

LICENCES AND PERMITS.

21.—(1) Licences may be issued under this Act for establishments as provided in section 23 and shall be of the following classes and for the purposes indicated,— ^{Licences.}

- (a) "dining lounge licence" for the sale and consumption of liquor with meals;
- (b) "dining room licence" for the sale and consumption of beer and wine with meals;
- (c) "lounge licence" for the sale and consumption of liquor;
- (d) "public house licence" for the sale and consumption of beer in premises to which men only are admitted;

- (e) "public house licence" for the sale and consumption of beer in premises to which women only or men and women are admitted. *New.*

Expiration of licences.

(2) Subject to the provisions of this Act relating to the renewal, suspension and cancellation of licences, every licence shall expire at midnight on the 31st day of March next following the issue thereof. 1944, c. 33, s. 19.

Number of licences to be issued in municipality.

(3) The Board may restrict the number of licences or of any class of licences which it shall issue in any municipality. 1944, c. 33, s. 20, *amended.*

Banquet or entertainment permits.

22.—(1) The Board may issue banquet or entertainment permits for the serving of liquor on designated premises for special occasions as provided by the regulations and may issue any such permit upon such terms and subject to such conditions as it may prescribe.

Application.

(2) Application for a banquet or entertainment permit may be made to the registrar or to the deputy registrar for the licensing district in which the banquet or entertainment is to be held. *New.*

Licences,—issue of.

23.—(1) The Board may, subject to this Act and the regulations and to the local option provisions of any Act of the Parliament of Canada or of this Legislature, issue to the owner of an establishment of any of the following classes, a licence or licences of one or more of the classes indicated:

- (a) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, set out in subsection 1 of section 69;

- (b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, of subsection 1 of section 69;

- (c) clubs, military messes, railway cars and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence;

- (d) restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a dining room licence;

- (e) public houses, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a public house licence,

provided that the Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of an establishment in respect of which an authority under *The Liquor Authority Control* 1944, c. 33. Act, 1944, including therein a privilege corresponding to the

licence to be issued under this Act, was held at the date of the coming into force of this Act or any establishment classified as a hotel, until an affirmative vote has been taken on question *d, e* or *f*, as the case may be, set out in subsection 1 of section 69.

Scope of
licence
may be
restricted.

(2) The Board may restrict the scope or effect of any licence or may issue a licence upon such terms and subject to such further conditions as it may prescribe. *New.*

Classifi-
cation of
establish-
ments.

24. The Board shall classify all establishments in respect of which a licence is applied for or issued. *New.*

Classifi-
cation of
establish-
ments
authorized
under 1944,
c. 33.

25.—(1) The Board may, for the purposes of this Act, classify any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act.

Issue of
licence.

(2) Notwithstanding any of the provisions of this Act, the Board may, either before or upon the coming into force of this Act, issue for any establishment for which an authority is held under *The Liquor Authority Control Act, 1944*, a licence or licences corresponding to the privileges included in such authority, but every licence so issued shall be reviewed as soon as may be.

Classifi-
cation as
hotel.

(3) Where in the opinion of the Board any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act, is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with the requirements of subclauses *i, ii* or *iii* of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board may deem advisable. *New.*

Bedroom
accommoda-
tion.

26. Bedroom accommodation which is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods. *New.*

Where issue
of licence
prohibited.

27.—(1) No licence may be issued or renewed under this Act to any person who,—

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the licence is sought;

- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations; or
- (g) if a club, does not comply with the requirements of this Act and the regulations.

(2) Any person applying for the issue or renewal of a licence who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 28 shall be guilty of an offence. 1944, c. 33, s. 21, *amended*. Failure to disclose.

28.—(1) No licence may be issued or renewed under this Act,— Where issue of licence prohibited.

- (a) to any person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) to any manufacturer of liquor, or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest

is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the licence or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest. 1944, c. 33, s. 22, *amended*.

Information re corporations.

29. The directors of an incorporated company which applies for the issue, renewal or transfer to it of a licence, shall at the time of making such application or at any other time during the term of the licence, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required. 1944, c. 33, s. 23, *amended*.

RIGHTS IN LICENCE.

Licence not to confer any vested right.

30. No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such licence shall not be capitalized but shall become the property of the Crown in right of Ontario. 1944, c. 33, s. 25, *amended*.

ANNUAL MEETING.

Annual meeting.

31. The Board shall hold an annual meeting at a convenient place determined by the Board in each licensing district between the 1st day of October and the last day of January in the year next following. 1944, c. 33, s. 26, *amended*.

Notice of annual meeting.

32. Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the licensing district at least ten days before such meeting. 1944, c. 33, s. 27, *amended*.

Business of Board.

33. The Board shall at the annual meeting hear and determine applications for the renewal of licences. 1944, c. 33, s. 28, *amended*.

SPECIAL MEETINGS.

Special meetings.

34. The Board may hold such special meetings as it deems necessary for the hearing and determination of,—

- (a) application for new licences;
- (b) deferred applications for renewals of licences;
- (c) proceedings involving the cancellation or suspension of a licence;
- (d) applications for transfers of licences;
- (e) proceedings in compensation matters;
- (f) applications for revocation of the suspension of a licence;
- (g) applications for review of orders of the Board; and
- (h) other matters within the jurisdiction of the Board.
1944, c. 33, s. 29, *amended*.

PROCEEDINGS ON APPLICATIONS.

35. Every application shall be in the form prescribed by ^{Filing of application.} the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 30, *amended*.

36. Notice of the application for a licence in the form pre-^{Publication.}scribed by the regulations shall be published twice,—

- (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
- (b) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least one week apart and the second of such publications shall be not less than two weeks before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 31, *amended*.

37. A licence shall not be issued by the Board unless the ^{Personal application.}applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board. 1944, c. 33, s. 32, *amended*.

Renewals. **38.** Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of a licence to publish notice of his application or to appear in person before the Board. 1944, c. 33, s. 33, *amended*.

Objections. **39.**—(1) Any person resident in a licensing district where the premises concerning which the application is made are situated, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least ten days before the meeting at which the application is to be heard. 1944, c. 33, s. 34 (1), *amended*.

Applicant to be notified. (2) Upon receipt of any objection to an application, the deputy registrar shall notify the applicant thereof. 1944, c. 33, s. 34 (2).

CANCELLATION AND SUSPENSION OF LICENCES.

Application for cancellation. **40.**—(1) Upon an application being made to the Board for the cancellation or suspension of a licence, the Board may in its discretion by notice in writing require the holder of the licence to show cause to the Board why the licence should not be cancelled or suspended, and in the event of the failure of the holder of the licence to show cause the Board shall take such action as the circumstances may require.

Notice to licence holder. (2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the licence holder at his last known address at least seven days before the date of the meeting. 1944, c. 33, s. 35, *amended*.

Powers of Board at hearing. **41.** Upon the hearing of an application for suspension or cancellation of a licence the Board may dismiss the application or make such order as it deems proper and in any such order may,—

- (a) suspend the licence for an indefinite period;
- (b) cancel the licence;
- (c) disqualify any person from holding a licence;
- (d) disqualify any premises from being eligible as licensed premises; and
- (e) impose such conditions upon the holder of the licence as the circumstances may require. 1944, c. 33, s. 36, *amended*.

When licence to be cancelled. **42.** The Board shall cancel a licence for the following causes,—

- (a) persistent non-compliance of the licence holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder; Rev. Stat., c. 294.
- (b) persistent failure by the licence holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the licensed premises in a clean and sanitary condition;
- (d) persistent non-compliance by the licence holder with any municipal by-law affecting the licensed premises; or
- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 27 or subsection 1 of section 28 prevent the issue of a licence. 1944, c. 33, s. 37, *amended*.

TRANSFER OF LICENCES.

43.—(1) No licence may be sold, leased, assigned, charged, ^{Transfer of licences.} transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent.

(2) Upon any transfer of a licence the vendor shall pay to the Treasurer of Ontario the monopoly value of the licence ^{Monopoly value to be paid to Treasurer of Ontario.} at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the licence.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of a licence to ^{Transfer of shares in incorporated company.} present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply. 1944, c. 33, s. 38, *amended*.

44.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any licensed premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 43 and ^{Power of Board to purchase premises.}

the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board may
sell
licensed
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any licensed premises or any shareholding interest acquired under this section. 1944, c. 33, s. 39, *amended*.

COMPENSATION FOR DISQUALIFICATION.

Compensa-
tion may
be awarded.

45.—(1) Where the Board disqualifies any premises from holding a licence for a cause which is not the fault of or is beyond the control of the licence holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the licence as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule or other method of valuation prescribed by the regulations. 1944, c. 33, s. 40 (1), *amended*.

Payment.

(2) The Liquor Control Board of Ontario shall pay the compensation mentioned in subsection 1 upon the requisition of the Board. 1944, c. 33, s. 40 (2); 1945, c. 11, s. 2.

REVENUE.

Payment of
revenue.

46. All moneys received by the Board from licence fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario. 1944, c. 33, s. 41, *amended*.

SALE OF LIQUOR IN LICENSED PREMISES.

What
liquor
may be
sold.

47. No liquor may be kept for sale, sold or served in any licensed premises except such liquor as may be,—

- (a) prescribed in the licence; and
- (b) purchased by the holder of the licence in accordance with the provisions of *The Liquor Control Act* and the regulations thereunder. 1944, c. 33, s. 42, *amended*.

48. The Board shall in every licence issued specify the part of the establishment to which the sale, serving and consumption of liquor shall be restricted and confined. 1944, c. 33, s. 43, *amended*. Sale of liquor in specified places only.

49. Where two types of public house licences are issued for any establishment,— Public house licences, where two issued for establishment.

- (a) there shall be no internal means of communication between the premises operated under each of such licences;
- (b) each of such premises shall have separate entrances for the public;
- (c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and
- (d) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises. *New.*

50.—(1) No liquor shall knowingly be sold or served in or at any licensed premises to any person who is under the age of twenty-one years. Minors.

(2) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years. Idem.

(3) No liquor shall be sold on or at any licensed premises to or for any person who is apparently in an intoxicated condition. Intoxicated persons.

(4) No person holding a licence under this Act shall permit or suffer in the premises for which the licence is issued,— Conduct of premises.

- (a) any constable or police officer while on duty to consume any liquor;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain;
or

- (d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding a licence under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the licenced premises where liquor is sold or kept for sale, except in a dining room or dining lounge.

Objectionable persons.

(6) Any person holding a licence under this Act, who has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such licence is issued, that such person, although not of notoriously bad character, is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such licensed premises immediately, and unless the request is forthwith complied with such person may be forcibly removed. 1944, c. 33, s. 45, *amended*.

Minors.

51.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor on any licensed premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of a licensed premises where liquor is sold or kept for sale, except a dining room or dining lounge, shall be guilty of an offence against this Act. 1944, c. 33, s. 46, *amended*.

Sale and consumption.

52. No liquor may be sold or served to any person or consumed by him in any licensed premises, except in accordance with the regulations. 1944, c. 33, s. 47 (1), *amended*.

Neglecting children.

53. No person who is a parent, guardian or head of a family having the care, custody and control of a child under the age of eight years shall enter or remain upon any premises where liquor is sold or kept for sale while such child is unattended by a competent person. *New*.

Inducements to licensees.

54. No distillery, brewery or winery, or other person shall, either directly or indirectly, offer or give any financial or material inducement to any licensee or his agent or employee for the purpose of increasing the sale or distribution of any brand of liquor, whether such inducement be by way of discount, rebate, sale under the established price for products of the same or a similar quantity, or by the installation of equipment or other form of payment or benefit. *New*.

Sales to interdicted persons prohibited.

55. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no inter-

dicted person shall enter on or be permitted or suffered to remain in that part of any licensed premises where liquor is sold except in a dining room or dining lounge. 1944, c. 33, s. 49, *amended*.

56. For the purposes of this Act, a member of the naval, ^{Member of} military or air forces of Canada, who having been placed on active service or called out for training, service or duty, is serving or has served in any of such forces shall be deemed to be twenty-one years of age or over. 1944, c. 33, s. 50, *amended*.

57. Any police officer or constable may arrest without ^{Arrest} warrant any person whom he finds committing an offence ^{without} against this Act. 1944, c. 33, s. 51.

PENALTIES AND PROCEDURE.

58. Every person who violates any of the provisions of ^{Offences.} this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not. 1944, c. 33, s. 52.

59.—(1) Every person who violates the provisions of sub- ^{Penalties.} section 1 of section 50 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months. 1944, c. 33, s. 54 (1).

(2) Every person who violates the provisions of section 54 ^{Idem.} shall be guilty of an offence and liable to a penalty not exceeding \$10,000. *New*.

(3) Every person who violates any of the provisions of this ^{Idem.} Act or the regulations other than subsection 1 of section 50 or section 54, shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

(4) Where an offender convicted of an offence referred to ^{Corpora-} in this section, other than a violation of section 54, is a corpora- ^{tions.} tion it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000. 1944, c. 33, s. 54 (2, 3).

60. In the prosecution of any offence under this Act in ^{Onus.} which possession of liquor is an element of the offence, upon

prima facie proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof. 1944, c. 33, s. 53.

Removal of
liquor
packages.

61. Proof of the removal of any liquor from any licensed premises in any packages shall be *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*. 1944, c. 33, s. 48, *amended*.

Analysis by
Dominion or
provincial
analysts.

62. In any prosecution under this Act or the regulations, upon production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature. 1944, c. 33, s. 55.

Inference
as to intoxi-
cating
liquor.

63. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor. 1944, c. 33, s. 56.

Recovery
of penalties.

64.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act. 1944, c. 33, s. 57 (1).

Rev. Stat.,
c. 136.

Fines to be
paid to
Liquor
Control
Board.

(2) Subject to section 83, all money penalties imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario. 1944, c. 33, s. 57 (2), *amended*.

CIVIL LIABILITY.

Civil
liability.

65. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,—

- (a) commits suicide or meets death by accident an action under *The Fatal Accidents Act* will lie against the person who or whose servant or agent sold the liquor; or Rev. Stat., c. 210.
- (b) causes injury or damage to the person or property of another person, such other person shall be entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor. *New.*

EMPLOYEES OF LICENCE HOLDERS.

66.—(1) The Board may require every person who, being an employee of a person who operates licensed premises, is in any way engaged in selling or serving liquor, to obtain an employee's licence from the Board in accordance with the regulations. Employees of licence holders.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's licence, no person who is not so licensed may be employed in the sale or serving of liquor in any licensed premises. 1944, c. 33, s. 58, *amended.* Sale by licensed employees.

LOCAL OPTION.

67. Nothing contained in this Act shall be construed as interfering with the operation of the *Canada Temperance Act* applicable to any part of Ontario, and no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in an area in which the *Canada Temperance Act* has been brought into force and is still in force. Stores not to be established where C.T.A. in force.

68. Except as provided by this Act and the regulations no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69. Government stores and wine stores not to be established in certain districts. 1916, c. 50; Rev. Stat., 1914, c. 215.

69.—(1) The council of any municipality in which a by-law mentioned in section 68 is in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

- (a) Are you in favour of the establishment of government stores for the sale of liquor?
- (b) Are you in favour of the establishment of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the sale of liquor under a lounge licence for consumption on licensed premises?

Petition
requesting
submission
of questions.

(2) Where a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit one or more of the questions set out in subsection 1 is filed with the clerk of the municipality and with the Board, the council shall submit such question or questions to a vote of the electors.

Where
affirmative
vote
polled.

(3) Where three-fifths of the electors voting on the question vote in the affirmative, it shall be lawful to establish government stores, authorize Ontario wine stores or issue licences within the municipality accordingly.

Submission
of questions
as to con-
tinuance of
stores.

70.—(1) Where a government store is established, an Ontario wine store authorized, or premises licensed in any municipality the council may, and on petition as provided in section 69, which section shall apply *mutatis mutandis*, shall submit to the electors whichever of the following questions may be applicable:

- (a) Are you in favour of the continuance of government stores for the sale of liquor?
- (b) Are you in favour of the continuance of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the continuance of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the continuance of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the continuance of the sale of liquor under a lounge licence for consumption on licensed premises?

(2) Where three-fifths of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, the authority of any Ontario wine store authorized in the municipality shall be terminated or licences of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon. where negative vote polled.

71. Where petitions are presented praying for the submission of a definite question or set of questions, the question or questions to be submitted shall be that or those asked for in the first petition filed, unless the Board otherwise directs. Questions to be submitted.

72.—(1) Where a question is submitted in a municipality under section 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question *d* set out in section 70 within two years of the coming into force of this Questions not to be submitted again for three years.

Act shall not prevent the submission of any other question during the period of three years from the date of such submission.

Time for
submission
of questions
e to h of
section 70.

(2) Questions *e, f, g, and h* set out in subsection 1 of section 70 shall not be submitted in any municipality until after the expiration of two years from the coming into force of this Act.

Appoint-
ment of
managers
for vote.

73.—(1) At least five weeks before the taking of a vote upon any question under section 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1937, c. 294, s. 69 (4), *amended*.

Notice of
filing of
petition.

(2) When any petition has been filed with the clerk of the municipality pursuant to the provisions of section 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition. R.S.O. 1937, c. 294, s. 69 (5).

Date of
polling.

Rev. Stat.
c. 266.

74. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality unless the Board fixes some other day and notifies the clerk of the municipality to that effect; but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. R.S.O. 1937, c. 294, s. 69 (6), *amended*.

Who may
vote.

75. The persons qualified to vote upon a question or questions shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions; provided that in the event of the taking of a vote under section 70, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any

1916, c. 50.
Rev. Stat.
1914, c. 215.

other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question or questions until a vote has been taken in such portion of the municipality on one or more of the questions set out in subsection 1 of section 69, and three-fifths of the electors voting on such question or questions have voted in the affirmative. R.S.O. 1937, c. 294, s. 69 (7), *amended*.

76.—(1) Except as otherwise provided by this Act, the ^{Application of general law.} provisions of *The Election Act* and *The Voters' Lists Act* respecting,—

Rev. Stat.,
cc. 8, 7.

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote submitted under this section. R.S.O. 1937, c. 294, s. 69 (8), *amended*.

(2) Subject to the approval of the Lieutenant-Governor ^{Directions as to taking vote.} in Council the Chief Election Officer shall give such directions and make such regulations and prepare such forms as may appear to him to be necessary in carrying out the provisions of sections 68 to 80 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* and *The Voters' Lists Act* when compliance there- ^{Rev. Stat., cc. 8, 7.} with appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by sections 68 to 80.

(3) The forms to be used at the taking of the vote upon a ^{Forms.} question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as may be necessary. R.S.O. 1937, c. 294, s. 69 (11, 12), *amended*.

Clerk of
revision.

(4) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*. R.S.O. 1937, c. 294, s. 69 (16).

Revision
of lists.

77.—(1) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in the case of an election to the Assembly.

Rev. Stat.,
cc. 7, 8.

Chairman's
fees.

(2) The chairman shall be entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses. R.S.O. 1937, c. 294, s. 69 (14, 15).

Polling
lists.

(3) It shall not be necessary for the polling lists for use at the taking of a vote to be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. R.S.O. 1937, c. 294, s. 69 (17), *amended*.

Fees and
expenses.

78. The fees and expenses to be allowed to returning officers and other officers and servants for services performed under sections 68 to 80, and the expenses incurred in carrying out the provisions of sections 68 to 80 shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1937, c. 294, s. 69 (13), *amended*.

Returning
officer.

79.—(1) The returning officer upon the taking of a vote shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to
Clerk of
Crown in
Chancery.

(2) The returning officer shall make his return to the Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question or questions submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the *Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions. R.S.O. 1937, c. 294, s. 69 (9, 10), *amended*.

Where
validity of
vote
questioned.

80. Notwithstanding anything contained in this or any other Act where the validity of a vote on any question or

questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct. R.S.O. 1937, c. 294, s. 69 (21), *amended*. Rev. Stat.,
c. 266.

REGULATIONS.

81. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary, and without limiting the generality of the foregoing, such powers shall extend to and include the following:

- (a) prescribing the special accommodation, facilities and equipment which shall be required in or in respect of the various classes of premises for which the various classes of licences may be issued including the prescribing of different standards of accommodation, facilities and equipment in different classes of establishments;
- (b) providing for different classes of clubs and prescribing the manner in which clubs of the different classes shall be organized and the special accommodation, facilities and equipment which shall be required and in the case of any class of clubs, prescribing who shall be deemed to be members thereof for the purposes of this Act;
- (c) prescribing the special services which shall be furnished in a dining lounge;
- (d) restricting the classes of licences which may be issued to any class of establishments;
- (e) restricting the scope and effect of licences of the various classes and prescribing terms and conditions governing the sale of liquor and other relevant matters relating to the operation of premises for which licences of the various classes are issued;
- (f) prescribing the fees payable in respect of the issue and transfer of licences including the prescribing of fees in varying amounts for licences issued in respect of various classes of establishments;

- (g) prescribing the fees, schedules or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 43 and 45;
- (h) governing and regulating premises in respect of which licences may be issued;
- (i) governing the issue, renewal, transfer, refusal, suspension and cancellation of licences;
- (j) governing the location, construction, maintenance, management and operation of licensed premises;
- (k) governing the issue and cancellation of banquet or entertainment permits;
- (l) governing the purchase, delivery, keeping for sale, sale, serving and consuming of liquor;
- (m) prescribing the persons to whom the sale of liquor is to be restricted or prohibited;
- (n) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed;
- (o) providing for the licensing of employees of persons operating licensed premises and prescribing requirements applicable to such employees;
- (p) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to licensed premises and the examination and audit which shall be made of such books and records;
- (q) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board and the books of account and other records to be kept by the Board;
- (r) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (s) prescribing the signs which may be erected on or in licensed premises;
- (t) prescribing the hours and days upon which and the manner, methods and means by which liquor shall be delivered to licensed premises;

- (u) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding a licence;
- (v) governing the manner of incorporation of corporations which may hold licences;
- (w) prescribing the procedure to be followed upon applications to the Board;
- (x) prescribing the form of ballots to be used for voting upon a question submitted in a municipality; and
- (y) generally for the better carrying out of the provisions of this Act. 1944, c. 33, s. 59, *amended*.

REPORTS.

82.—(1) The Board shall from time to time make reports Reports. to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

- (a) a statement of the operations of the Board;
- (b) a statement of the number of licences in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of licences which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

(2) Every annual report shall be laid before the Legislature as soon as may be. 1944, c. 33, s. 60, *amended*. Report to be presented to Legislature.

AGREEMENT WITH MUNICIPALITY.

Agreement
with muni-
cipality.

83. Subject to the approval of the Lieutenant-Governor in Council the Board may enter into an agreement with the council of any municipality for the enforcement within the municipality by the council of the provisions of this Act, *The Liquor Control Act* and the regulations hereunder and thereunder, and may in such agreement provide for the payment to the council of,—

Rev. Stat.,
c. 294.

- (a) a portion of the fees for licences issued in respect of establishments in the municipality; and
- (b) the fines or any portion of the fines imposed in any prosecutions instituted by officers designated by the council pursuant to the agreement, for a violation of this Act, *The Liquor Control Act* or the regulations hereunder or thereunder within the municipality.
New.

COMMENCEMENT OF ACT.

Commence-
ment of
Act.

84. This Act, except any portion thereof as may be specifically excepted, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation.

REPEAL.

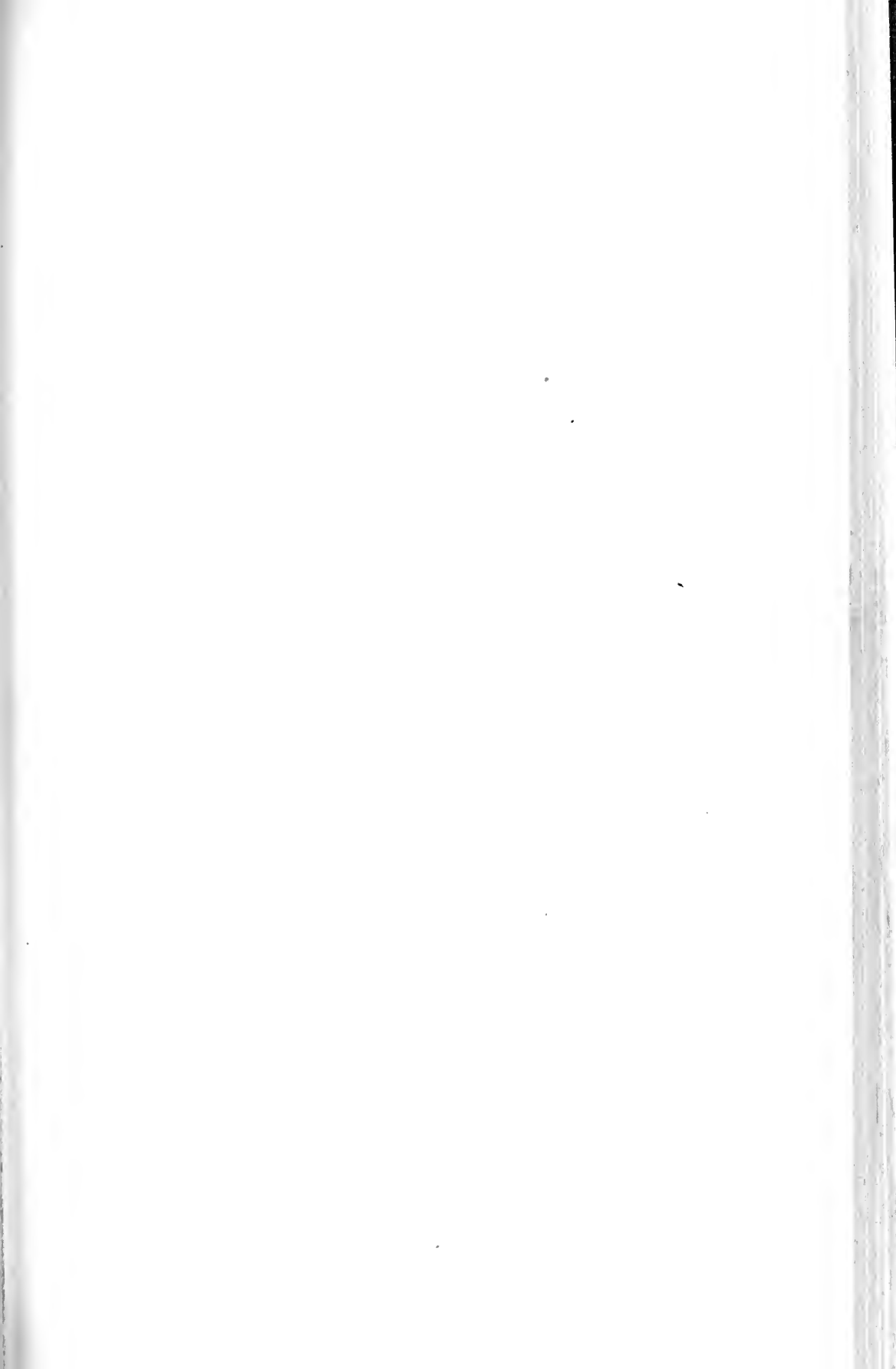
1944, c. 33:
1945, c. 11,
repealed.

85. *The Liquor Authority Control Act, 1944*, and *The Liquor Authority Control Amendment Act, 1945*, are repealed.

SHORT TITLE.

Short title.

86. This Act may be cited as *The Liquor Licence Act, 1946*.





BILL

The Liquor Licence Act, 1946.

1st Reading

March 28th, 1946

2nd Reading

April 2nd, 1946

3rd Reading

MR. BLACKWELL

(*Reprinted as amended in Committee of the
Whole House.*)

No. 136

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Liquor Licence Act, 1946.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

The Liquor Licence Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpre-
tation,—

- (a) "beer" shall mean beer as defined by *The Liquor "beer"; Control Act*;
- (b) "Board" shall mean The Liquor Licence Board of "Board"; Ontario;
- (c) "club" shall mean a club, "club";
 - (i) organized in the manner prescribed by the regulations,
 - (ii) having special accommodation, facilities and equipment as prescribed by the regulations,
 - (iii) having for its objects definite purposes of a social, recreational or patriotic nature,
 - (iv) having not less than 50 members,
 - (v) all the members of which, whose names and addresses shall be entered in a list of members, may, upon payment of dues in the manner prescribed by the rules or by-laws of the club, vote for all purposes of the club, and
 - (vi) which is not operated for pecuniary gain;
- (d) "dining lounge" shall mean part of an establishment "dining
lounge"; provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment therefor food and such special services as may be prescribed by the regulations, are regularly furnished to the public and liquor is served with meals;

"dining
room";

(e) "dining room" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations and which is used exclusively for the serving of regular meals in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;

"establish-
ment";

(f) "establishment" shall mean club, hotel, inn, public house, tavern, military mess, restaurant, railway car or steamship having premises which comply with the requirements of this Act and the regulations prescribing the qualifications of premises in respect of which licences may be issued;

"hotel"
or "inn";

(g) "hotel" or "inn" shall mean an establishment in regular operation provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment, food and lodging are regularly furnished to the public and having,

(i) in urban municipalities with a population of over 100,000 not less than fifty bedrooms,

(ii) in cities with a population of less than 100,000 and in towns, not less than twenty bedrooms, and

(iii) in any other part of Ontario, not less than ten bedrooms,

and in every case having a sufficient number of bedrooms to serve the needs of the community where the hotel or inn is located;

"justice";

(h) "justice" shall mean magistrate and where no magistrate is available, shall mean two or more justices of the peace;

"last revised
list of the
municipal-
ity";

(i) "last revised list of the municipality" shall mean the voters' list for the municipality as revised for the last election to the Assembly;

"licence";

(j) "licence" shall mean a licence provided for and issued under this Act;

"licensing
district";

(k) "licensing district" shall mean a licensing district constituted under this Act;

"licensed
premises";

(l) "licensed premises" shall mean premises for which a licence is issued under this Act;

"liquor";
Rev Stat.,
c. 294.

(m) "liquor" shall mean liquor as defined by *The Liquor Control Act*;

- (n) "lounge" shall mean part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations, where in consideration of payment therefor liquor is served;
- (o) "military mess" shall include a canteen and an institute in a building or camp used for the accommodation of the active or reserve units of the naval, military or air forces of Canada;
- (p) "Minister" shall mean the member of the Executive Council to whom for the time being is assigned the administration of this Act;
- (q) "Ontario wine" shall mean Ontario wine as defined by *The Liquor Control Act*;
- (r) "public house" shall mean an establishment or part of an establishment provided with special accommodation, facilities and equipment as prescribed by the regulations where in consideration of payment beer is served;
- (s) "railway car" shall mean railway dining car, railway buffet car, railway club car and a drawing-room, bedroom or compartment in a railway sleeping car;
- (t) "regulations" shall mean regulations made under this Act;
- (u) "restaurant" shall mean an establishment which is exclusively engaged in the serving of regular meals to the public in consideration of payment therefor as well as the sale of cigars, cigarettes, tobacco and other articles incidental to the sale of regular meals;
- (v) "steamship" shall mean any vessel propelled through water by any power other than muscular power which carries passengers and plies regularly between any port of Ontario and any port within or outside of Ontario;
- (w) "tavern" shall mean an establishment having separate parts thereof which are provided with the special accommodation, facilities and equipment required by the regulations for at least two of the following classes of licences,

- (i) dining lounge licence,

- (ii) dining room licence,

(iii) lounge licence,

(iv) public house licence;

"wine".

(x) "wine" shall mean wine as defined by *The Liquor Control Act*. 1944, c. 33, s. 1, *amended*.

THE BOARD.

The Liquor
Licence
Board of
Ontario.

2. There shall be a Board known as "The Liquor Licence Board of Ontario" consisting of three members appointed by the Lieutenant-Governor in Council. 1944, c. 33, s. 2, *amended*.

Chairman
and vice-
chairman.

3. The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof, and may designate another of the members to be vice-chairman. 1944, c. 33, s. 3.

Quorum.

4. Two members of the Board shall constitute a quorum. 1944, c. 33, s. 4.

Disqualifi-
cation,—
members
and staff.

5. No member, registrar, deputy registrar, official, inspector or employee of the Board shall by himself, his partner or agent have any interest directly or indirectly in,—

(a) a person, company, corporation, partnership, syndicate or other organization engaged in the manufacture, sale or distribution of liquor;

(b) any licensed premises; or

(c) any contract of any nature in respect of any licensed premises, or any premises upon which liquor is manufactured, produced, sold or kept for sale. 1944, c. 33, s. 5, *amended*.

Salaries of
Board.

6. The members of the Board shall be paid such salaries as may be fixed by the Lieutenant-Governor in Council. 1944, c. 33, s. 6.

Staff.

7. The staff of the Board shall consist of a registrar, deputy registrars and such officials, inspectors and employees as the Board, with the approval of the Lieutenant-Governor in Council, may appoint. 1944, c. 33, s. 7.

Salaries of
staff.

8. The registrar, deputy registrars, officers, inspectors and employees of the Board shall be paid such salaries or other remuneration as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 8.

9. Whenever the Board, by virtue of any power vested in it, appoints or directs any person other than a member of the staff of the Board to perform any service such person shall be paid such sum for services and expenses as the Board with the approval of the Lieutenant-Governor in Council may determine. 1944, c. 33, s. 9. ^{Special services.}

10. The salaries or other remuneration of the members of the Board, the registrar, deputy registrars, officials, inspectors and employees and all other expenses of the Board shall be paid monthly by The Liquor Control Board of Ontario. 1944, c. 33, s. 10; 1945, c. 11, s. 1. ^{Payment of salaries.}

11. No member of the Board, registrar, deputy registrar, official, inspector or employee of the Board shall be compellable to give testimony in a court of civil jurisdiction with regard to information obtained by him in the discharge of his official duty, or to produce any files, papers, information, reports, correspondence or other documents relating to the business of the Board. 1944, c. 33, s. 11. ^{Officials not compelled to testify.}

12. The books and records of the Board shall at all times be subject to examination and audit by the Provincial Auditor and such other person as the Lieutenant-Governor in Council may authorize in that behalf. 1944, c. 33, s. 61. ^{Audit of books.}

LICENSING DISTRICTS.

13. The Lieutenant-Governor in Council may designate any area in Ontario as a licensing district. 1944, c. 33, s. 12, *amended*. ^{Licensing districts.}

PROCEEDINGS BEFORE AND INVESTIGATIONS BY THE BOARD.

14. Proceedings before the Board shall be instituted by application and the Board may make such orders, give such directions and issue such certificates as it may deem proper or as may be necessary or incidental to the exercise of its powers. 1944, c. 33, s. 13. ^{Form of proceedings.}

15. Where in the opinion of the Board any of the relevant circumstances relating to any application heard by it have altered or new evidence in connection therewith has become available the Board may review any order made upon such application. 1944, c. 33, s. 14. ^{Review of order.}

16. For the purpose of any hearing or investigation, the Board shall have the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and ^{Evidence.}

things as is vested in the Supreme Court or a judge thereof for the trial of civil actions, provided that,—

- (a) the provisions of rules of court or of law relating to the service of subpoenas upon and to the payment of conduct money or witness fees to witnesses shall not apply;
- (b) no person shall be entitled to claim any privilege in respect of any document, record or thing asked for, given or produced on the ground that he might be incriminated or exposed to a penalty or to civil litigation thereby;
- (c) no person shall refuse to answer any question upon any ground of privilege, provided that a solicitor shall not be required to disclose any communications between himself and his client; and

Rev. Stat.,
o. 119.

- (d) no provisions of *The Evidence Act* shall exempt any bank or any officer or employee thereof from the operations of this section. 1944, c. 33, s. 15, amended.

Investi-
gations by
Board.

17.—(1) The Board may make such investigation as it deems expedient for the due administration of this Act, into or respecting,—

- (a) any person or the affairs or conduct of any person;
- (b) any authority at any time issued or held under *The Liquor Control Act* or *The Liquor Authority Control Act, 1944*, or any licence at any time issued or held under this Act, or any premises in respect of which any such authority or licence was at any time issued or held; or
- (c) any matter pertaining to the sale or handling of or transactions in liquor.

Rev. Stat.,
c. 294;
1944, c. 33.

(2) Where an investigation is or is about to be undertaken under this section the Board may by order,—

Seizure of
documents,
etc.

- (a) authorize any person to seize and take possession of any documents, records or other property belonging to, in the possession or under the control of any person which the Board deems may be relevant to the investigation; and

Examination
of docu-
ments, etc.

- (b) appoint an accountant or other expert to examine documents, records, property or other matters which

the Board deems may be relevant to the investigation. *New.*

18.—(1) In addition to any audit provided for by the ^{Special} regulations the Board may at any time authorize and direct ^{audit.} any person to enter upon the premises where the books, accounts or records of or pertaining to any establishment, distillery, brewery or winery are kept or may be, and to inspect, study, audit, take extracts from or seize such books, accounts or other records.

(2) Every person having any book, account or record in his ^{Penalty.} possession or under his control who refuses or fails to produce it or to comply with a request made pursuant to an authorization or direction of the Board given under subsection 1, shall be guilty of an offence and liable to a penalty of not exceeding \$1,000. *New.*

19. No order, direction, certificate or subpoena or other ^{Validity of} document of the Board shall be valid or binding unless it is ^{orders.} issued in the name of the Board and sealed with the seal of the Board as attested by the signature of the registrar or a deputy registrar. 1944, c. 33, s. 16.

20. The decisions, orders and rulings of the Board shall be ^{Finality of} final and shall not be questioned, reviewed or restrained by ^{orders.} injunction, prohibition, mandamus, *quo warranto* proceedings or other process or proceedings in any court, or be removed by *certiorari* or otherwise into any court; provided, however, that the Board may or at the request of any person having a proprietary interest in the matter before the Board, shall state a case on a point of law only as provided in Part XV of the ^{R.S.C.,} *Criminal Code* (Canada). 1944, c. 33, s. 17. ^{c. 36.}

LICENCES AND PERMITS.

21.—(1) Licences may be issued under this Act for esta- ^{Licences.} blishments as provided in section 23 and shall be of the following classes and for the purposes indicated,—

- (a) "dining lounge licence" for the sale and consumption of liquor with meals;
- (b) "dining room licence" for the sale and consumption of beer and wine with meals;
- (c) "lounge licence" for the sale and consumption of liquor;
- (d) "public house licence" for the sale and consumption of beer in premises to which men only are admitted;

- (e) "public house licence" for the sale and consumption of beer in premises to which women only or men and women are admitted. *New.*

Expiration
of licences.

(2) Subject to the provisions of this Act relating to the renewal, suspension and cancellation of licences, every licence shall expire at midnight on the 31st day of March next following the issue thereof. 1944, c. 33, s. 19.

Number of
licences to
be issued in
municipal-
ity.

(3) The Board may restrict the number of licences or of any class of licences which it shall issue in any municipality. 1944, c. 33, s. 20, *amended.*

Banquet or
entertain-
ment
permits.

22.—(1) The Board may issue banquet or entertainment permits for the serving of liquor on designated premises for special occasions as provided by the regulations and may issue any such permit upon such terms and subject to such conditions as it may prescribe.

Application.

(2) Application for a banquet or entertainment permit may be made to the registrar or to the deputy registrar for the licensing district in which the banquet or entertainment is to be held. *New.*

Licences,—
issue of.

23.—(1) The Board may, subject to this Act and the regulations and to the local option provisions of any Act of the Parliament of Canada or of this Legislature, issue to the owner of an establishment of any of the following classes, a licence or licences of one or more of the classes indicated:

- (a) hotels or inns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

(i) dining lounge licence,

(ii) dining room licence,

(iii) lounge licence,

(iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to an hotel situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions g or h, as the case may be, set out in subsection 1 of section 69;

- (b) taverns having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- (i) dining lounge licence,
- (ii) dining room licence,
- (iii) lounge licence,
- (iv) public house licence,

provided that the Board shall not issue a dining lounge or lounge licence to a tavern situated in a municipality having a population of less than 50,000 according to the last revised assessment roll, until an affirmative vote has been taken on questions *g* or *h*, as the case may be, of subsection 1 of section 69;

- (c) clubs, military messes, railway cars and steamships having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which each licence is issued,

- (i) dining lounge licence,
- (ii) dining room licence,
- (iii) lounge licence,
- (iv) public house licence;

- (d) restaurants, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a dining room licence;

- (e) public houses, having special accommodation, facilities and equipment prescribed by the regulations for the designated parts of the establishment in respect of which the licence is issued, a public house licence,

provided that the Board shall not issue a dining room licence or a public house licence in a municipality having a population of less than 50,000 according to the last revised assessment roll, except in the case of an establishment in respect of which an authority under *The Liquor Authority Control* 1944, c. 33. Act, 1944, including therein a privilege corresponding to the

licence to be issued under this Act, was held at the date of the coming into force of this Act or any establishment classified as a hotel, until an affirmative vote has been taken on question *d*, *e* or *f*, as the case may be, set out in subsection 1 of section 69.

Scope of
licence
may be
restricted.

(2) The Board may restrict the scope or effect of any licence or may issue a licence upon such terms and subject to such further conditions as it may prescribe. *New.*

Classifi-
cation of
establish-
ments.

24. The Board shall classify all establishments in respect of which a licence is applied for or issued. *New.*

Classifi-
cation of
establish-
ments
authorized
under 1944,
o. 33.

25.—(1) The Board may, for the purposes of this Act, classify any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act.

Issue of
licence.

(2) Notwithstanding any of the provisions of this Act, the Board may, either before or upon the coming into force of this Act, issue for any establishment for which an authority is held under *The Liquor Authority Control Act, 1944*, a licence or licences corresponding to the privileges included in such authority, but every licence so issued shall be reviewed as soon as may be.

Classifi-
cation as
hotel.

(3) Where in the opinion of the Board any establishment in respect of which an authority under *The Liquor Authority Control Act, 1944*, is held at the date of the coming into force of this Act, is serving the needs of the community in the matter of bedroom accommodation, the Board may classify it as an hotel or inn notwithstanding that it does not comply with the requirements of subclauses i, ii or iii of clause *g* of section 1, but such classification and any licence issued pursuant thereto may be made and issued for a limited time and from time to time and upon such terms and conditions as the Board may deem advisable. *New.*

Bedroom
accommoda-
tion.

26. Bedroom accommodation which is available to the public in an establishment that is classified by the Board as a public house, restaurant or tavern, shall be rented only for weekly or longer periods. *New.*

Where issue
of licence
prohibited.

27.—(1) No licence may be issued or renewed under this Act to any person who,—

- (a) in the opinion of the Board, is not a fit and proper person, or is not the true owner of the business carried on at the premises for which the licence is sought;

- (b) has been convicted of any offence against such of the laws of Canada or Ontario as the regulations may prescribe;
- (c) is disqualified under this Act or the regulations or has not complied with the requirements thereof;
- (d) as a police constable, police officer or in any other capacity is engaged in law enforcement or to any member of the family of any such person residing with him;
- (e) if an individual, is not a British subject;
- (f) if a corporation, does not comply with the requirements of this Act and the regulations; or
- (g) if a club, does not comply with the requirements of this Act and the regulations.

(2) Any person applying for the issue or renewal of a licence ^{Failure to disclose.} who fails to make full disclosure in the form of application regarding any of the matters referred to in this section and subsection 1 of section 28 shall be guilty of an offence. 1944, c. 33, s. 21, *amended*.

28.—(1) No licence may be issued or renewed under this ^{Where issue of licence prohibited.} Act,—

- (a) to any person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) to any manufacturer of liquor, or his agent, or to any person who is so associated or connected therewith, or financially interested therein as to be likely to promote the sale thereof;
- (c) to any person who by reason of any agreement, arrangement, concession, obligation or understanding, verbal or written, or direct or indirect, with any other person is or by reason thereof may be likely to promote the sale of liquor of any manufacturer; or
- (d) for any premises in which any manufacturer of liquor has any interest, whether freehold or leasehold, or by way of mortgage or charge or other incumbrance, or by way of mortgage, lien or charge upon any chattel property therein and whether such interest

is direct or indirect or contingent or by way of suretyship or guarantee.

Failure to disclose.

(2) If the existence of any of the conditions indicated in subsection 1, whether such condition existed at the time of the issue of the licence or arises thereafter, is not disclosed to the Board such non-disclosure shall be an offence and no action or other proceeding shall be brought or commenced in any court in Ontario in respect of such agreement, arrangement, concession, obligation, undertaking or interest. 1944, c. 33, s. 22, *amended*.

Information re corporations.

29. The directors of an incorporated company which applies for the issue, renewal or transfer to it of a licence, shall at the time of making such application or at any other time during the term of the licence, when ordered by the Board, produce such particulars of the officers and shareholders of the company as may be required. 1944, c. 33, s. 23, *amended*.

RIGHTS IN LICENCE.

Licence not to confer any vested right.

30. No person shall enjoy a vested right in the continuance of a licence and upon the issue, renewal, transfer, cancellation or suspension thereof, the value of such licence shall not be capitalized but shall become the property of the Crown in right of Ontario. 1944, c. 33, s. 25, *amended*.

ANNUAL MEETING.

Annual meeting.

31. The Board shall hold an annual meeting at a convenient place determined by the Board in each licensing district between the 1st day of October and the last day of January in the year next following. 1944, c. 33, s. 26, *amended*.

Notice of annual meeting.

32. Notice of the annual meeting in the form prescribed by the regulations shall be published in a newspaper having a general circulation in the licensing district at least ten days before such meeting. 1944, c. 33, s. 27, *amended*.

Business of Board.

33. The Board shall at the annual meeting hear and determine applications for the renewal of licences. 1944, c. 33, s. 28, *amended*.

SPECIAL MEETINGS.

Special meetings.

34. The Board may hold such special meetings as it deems necessary for the hearing and determination of,—

- (a) application for new licences;
 - (b) deferred applications for renewals of licences;
 - (c) proceedings involving the cancellation or suspension of a licence;
 - (d) applications for transfers of licences;
 - (e) proceedings in compensation matters;
 - (f) applications for revocation of the suspension of a licence;
 - (g) applications for review of orders of the Board; and
 - (h) other matters within the jurisdiction of the Board.
- 1944, c. 33, s. 29, *amended*.

PROCEEDINGS ON APPLICATIONS.

35. Every application shall be in the form prescribed by the regulations and shall be filed with the deputy registrar of the licensing district in which are located the premises concerning which the application is made not less than ten days before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 30, *amended*. ^{Filing of application}

36. Notice of the application for a licence in the form prescribed by the regulations shall be published twice,— ^{Publication.}

- (a) in a newspaper published in the municipality or community in which the premises for which the licence is sought are situated and having a general circulation in such municipality or community; or
- (b) where no newspaper is published in the municipality or community in which such premises are situated in a newspaper having a general circulation in such municipality or community,

and such publications shall be at least one week apart and the second of such publications shall be not less than two weeks before the meeting of the Board at which the application is to be heard. 1944, c. 33, s. 31, *amended*.

37. A licence shall not be issued by the Board unless the applicant therefor appears in person but an incorporated company may be represented by a director, official or manager duly certified as such to the satisfaction of the Board. 1944, c. 33, s. 32, *amended*. ^{Personal application.}

Renewals. **38.** Unless otherwise directed by the Board it shall not be necessary for an applicant for the renewal of a licence to publish notice of his application or to appear in person before the Board. 1944, c. 33, s. 33, *amended*.

Objections. **39.**—(1) Any person resident in a licensing district where the premises concerning which the application is made are situated, may object to the application and the grounds of objection in writing shall be filed with the deputy registrar at least ten days before the meeting at which the application is to be heard. 1944, c. 33, s. 34 (1), *amended*.

Applicant to be notified. (2) Upon receipt of any objection to an application, the deputy registrar shall notify the applicant thereof. 1944, c. 33, s. 34 (2).

CANCELLATION AND SUSPENSION OF LICENCES.

Application for cancellation. **40.**—(1) Upon an application being made to the Board for the cancellation or suspension of a licence, the Board may in its discretion by notice in writing require the holder of the licence to show cause to the Board why the licence should not be cancelled or suspended, and in the event of the failure of the holder of the licence to show cause the Board shall take such action as the circumstances may require.

Notice to licence holder. (2) The notice required by subsection 1 shall be sent by prepaid post by the Board to the licence holder at his last known address at least seven days before the date of the meeting. 1944, c. 33, s. 35, *amended*.

Powers of Board at hearing. **41.** Upon the hearing of an application for suspension or cancellation of a licence the Board may dismiss the application or make such order as it deems proper and in any such order may,—

- (a) suspend the licence for an indefinite period;
- (b) cancel the licence;
- (c) disqualify any person from holding a licence;
- (d) disqualify any premises from being eligible as licensed premises; and
- (e) impose such conditions upon the holder of the licence as the circumstances may require. 1944, c. 33, s. 36, *amended*.

When licence to be cancelled. **42.** The Board shall cancel a licence for the following causes,—

- (a) persistent non-compliance of the licence holder with the requirements of this Act or *The Liquor Control Act* or the regulations hereunder or thereunder; Rev. Stat.,
c. 294.
- (b) persistent failure by the licence holder to carry out the orders of the Board, The Liquor Control Board of Ontario or the Fire Marshal of Ontario;
- (c) persistent failure to keep the licensed premises in a clean and sanitary condition;
- (d) persistent non-compliance by the licence holder with any municipal by-law affecting the licensed premises; or
- (e) the existence of any of the circumstances which under the provisions of subsection 1 of section 27 or subsection 1 of section 28 prevent the issue of a licence. 1944, c. 33, s. 37, *amended*.

TRANSFER OF LICENCES.

43.—(1) No licence may be sold, leased, assigned, charged, transferred or otherwise dealt in or disposed of except with the consent in writing of the Board and the Board shall not under any circumstances be bound to give such consent. Transfer
of licences.

(2) Upon any transfer of a licence the vendor shall pay to the Treasurer of Ontario the monopoly value of the licence at the time of sale to be determined by a fee, schedule, or other method of valuation as may be prescribed by the regulations, provided that in no event shall the vendor be required to pay a sum upon a transfer which shall operate to reduce the vendor's interest after such payment below the value of the actual capital investment of the vendor at the time of the transfer of the licence. Monopoly
value to be
paid to
Treasurer
of Ontario.

(3) The Board may in its discretion require the directors of any incorporated company which is the holder of a licence to present to the Board for approval any transfer of shares of its capital stock and where in the opinion of the Board a substantial interest is transferred the provisions of subsection 2 shall *mutatis mutandis* apply. 1944, c. 33, s. 38, *amended*. Transfer of
shares in
incorporated
company.

44.—(1) Subject to the approval of the Lieutenant-Governor in Council the Board shall have the right to purchase any licensed premises or any shareholding interest therein at the price and on the terms stipulated in any agreement for sale, offer for sale or transfer coming before the Board for its consent under the provisions of section 43 and Power of
Board to
purchase
premises.

the Board may exercise such right by serving notice in writing thereof upon the vendor.

Payment of
purchase
price.

(2) Whenever the Board has exercised the right of purchase mentioned in subsection 1, the purchase price or any portion thereof necessary to complete the transaction shall be paid by the Treasurer of Ontario out of the net profits of The Liquor Control Board of Ontario upon the requisition of the Board.

Board may
sell
licensed
premises.

(3) Subject to the approval of the Lieutenant-Governor in Council, the Board may sell any licensed premises or any shareholding interest acquired under this section. 1944, c. 33, s. 39, *amended*.

COMPENSATION FOR DISQUALIFICATION.

Compensa-
tion may
be awarded.

45.—(1) Where the Board disqualifies any premises from holding a licence for a cause which is not the fault of or is beyond the control of the licence holder, it may, subject to the approval of the Lieutenant-Governor in Council, award by way of compensation to the owner of the premises or to the holder of the licence as the Board sees fit a sum not exceeding the amount by which the value of the capital investment is depreciated by reason of the disqualification of such premises which sum shall be determined by a fee, schedule or other method of valuation prescribed by the regulations. 1944, c. 33, s. 40 (1), *amended*.

Payment.

(2) The Liquor Control Board of Ontario shall pay the compensation mentioned in subsection 1 upon the requisition of the Board. 1944, c. 33, s. 40 (2); 1945, c. 11, s. 2.

REVENUE.

Payment of
revenue.

46. All moneys received by the Board from licence fees or otherwise arising in the administration of this Act shall be paid to The Liquor Control Board of Ontario. 1944, c. 33, s. 41, *amended*.

SALE OF LIQUOR IN LICENSED PREMISES.

What
liquor
may be
sold.

47. No liquor may be kept for sale, sold or served in any licensed premises except such liquor as may be,—

(a) prescribed in the licence; and

(b) purchased by the holder of the licence in accordance with the provisions of *The Liquor Control Act* and the regulations thereunder. 1944, c. 33, s. 42, *amended*.

48. The Board shall in every licence issued specify the part of the establishment to which the sale, serving and consumption of liquor shall be restricted and confined. 1944, c. 33, s. 43, *amended*. Sale of liquor in specified places only.

49. Where two types of public house licences are issued for any establishment,— Public house licences, where two issued for establishment.

- (a) there shall be no internal means of communication between the premises operated under each of such licences;
- (b) each of such premises shall have separate entrances for the public;
- (c) separate dispensing and other equipment shall be used in serving the public using each of such premises; and
- (d) the employees employed in serving beer to the public in each of such premises shall not enter the other of such premises. *New.*

50.—(1) No liquor shall knowingly be sold or served in or at any licensed premises to any person who is under the age of twenty-one years. Minors.

(2) No liquor shall be sold to a person who is apparently under the age of twenty-one years and in any prosecution for a violation of this subsection the justice shall determine from the appearance of any such person and other relevant circumstances whether he is apparently under the age of twenty-one years. Idem.

(3) No liquor shall be sold on or at any licensed premises to or for any person who is apparently in an intoxicated condition. Intoxicated persons.

(4) No person holding a licence under this Act shall permit or suffer in the premises for which the licence is issued,— Conduct of premises.

- (a) any constable or police officer while on duty to consume any liquor;
- (b) any gambling, drunkenness or any riotous, quarrelsome, violent or disorderly conduct to take place;
- (c) any person of notoriously bad character to remain;
or

(d) any slot machine or any device used for gambling to be placed, kept or maintained.

Minors on premises.

(5) No person holding a licence under this Act shall permit or suffer any person under or apparently under the age of twenty-one years to enter or be upon that part of the licenced premises where liquor is sold or kept for sale, except in a dining room or dining lounge.

Objectionable persons.

(6) Any person holding a licence under this Act, who has reasonable grounds to suspect from the conduct of any person who has come upon the premises in respect of which such licence is issued, that such person, although not of notoriously bad character, is present for some improper purpose or is committing an offence against this Act or the regulations, may request him or her to leave such licensed premises immediately, and unless the request is forthwith complied with such person may be forcibly removed. 1944, c. 33, s. 45, *amended*.

Minors.

51.—(1) No person under the age of twenty-one years shall have, purchase or consume liquor on any licensed premises.

Idem.

(2) Any person under the age of twenty-one years who enters or is found upon that part of a licensed premises where liquor is sold or kept for sale, except a dining room or dining lounge, shall be guilty of an offence against this Act. 1944, c. 33, s. 46, *amended*.

Sale and consumption.

52. No liquor may be sold or served to any person or consumed by him in any licensed premises, except in accordance with the regulations. 1944, c. 33, s. 47 (1), *amended*.

Neglecting children.

53. No person who is a parent, guardian or head of a family having the care, custody and control of a child under the age of eight years shall enter or remain upon any premises where liquor is sold or kept for sale while such child is unattended by a competent person. *New*.

Inducements to licensees.

54. No distillery, brewery or winery, or other person shall, either directly or indirectly, offer or give any financial or material inducement to any licensee or his agent or employee for the purpose of increasing the sale or distribution of any brand of liquor, whether such inducement be by way of discount, rebate, sale under the established price for products of the same or a similar quantity, or by the installation of equipment or other form of payment or benefit. *New*.

Sales to interdicted persons prohibited.

55. No person to whom the sale of intoxicating liquor is prohibited by statute of Canada or Ontario and no inter-

dicted person shall enter on or be permitted or suffered to remain in that part of any licensed premises where liquor is sold except in a dining room or dining lounge. 1944, c. 33, s. 49, *amended*.

56. For the purposes of this Act, a member of the naval, ^{Member of} military or air forces of Canada, who having been placed on ^{forces.} active service or called out for training, service or duty, is serving or has served in any of such forces shall be deemed to be twenty-one years of age or over. 1944, c. 33, s. 50, *amended*.

57. Any police officer or constable may arrest without ^{Arrest} warrant any person whom he finds committing an offence ^{without} ^{warrant.} against this Act. 1944, c. 33, s. 51.

PENALTIES AND PROCEDURE.

58. Every person who violates any of the provisions of ^{Offences.} this Act or the regulations made thereunder shall be guilty of an offence against this Act whether otherwise so declared or not. 1944, c. 33, s. 52.

59.—(1) Every person who violates the provisions of sub- ^{Penalties.} section 1 of section 50 shall for the first offence be imprisoned for not less than one month nor more than three months, and for a second or subsequent offence be imprisoned for not less than four months nor more than twelve months. 1944, c. 33, s. 54 (1).

(2) Every person who violates the provisions of section 54 ^{Idem.} shall be guilty of an offence and liable to a penalty not exceeding \$10,000. *New*.

(3) Every person who violates any of the provisions of this ^{Idem.} Act or the regulations other than subsection 1 of section 50 or section 54, shall be liable for a first offence to a fine of not less than \$10 nor more than \$500 and in default of immediate payment shall be imprisoned for a period not exceeding two months, or to imprisonment for a period not exceeding thirty days, or to both fine and imprisonment, and for a second or subsequent offence shall be imprisoned for a period not exceeding three months.

(4) Where an offender convicted of an offence referred to ^{Corpora-} in this section, other than a violation of section 54, is a corpora- ^{tions.} tion it shall be liable to a penalty of not less than \$1,000 nor more than \$3,000. 1944, c. 33, s. 54 (2, 3).

60. In the prosecution of any offence under this Act in ^{Onus.} which possession of liquor is an element of the offence, upon

prima facie proof of such possession, unless the person charged with the offence proves that he did not commit the offence, he may be convicted thereof. 1944, c. 33, s. 53.

Removal of
liquor
packages.

61. Proof of the removal of any liquor from any licensed premises in any packages shall be *prima facie* evidence against the person holding the licence for such premises of the sale of liquor contrary to the provisions of this Act or *The Liquor Control Act*. 1944, c. 33, s. 48, *amended*.

Analysis by
Dominion or
provincial
analysts.

62. In any prosecution under this Act or the regulations, upon production by a police officer, constable or peace officer, of a certificate or report signed or purporting to be signed by a Dominion or provincial analyst as to the analysis or ingredients of any liquor or other fluid or any preparation, compound or substance, such certificate or report shall be conclusive evidence of the facts stated in such certificate or report and of the authority of the person giving or making it without any proof of appointment or signature. 1944, c. 33, s. 55.

Inference
as to intoxi-
cating
liquor.

63. The justice trying a case, shall in the absence of proof to the contrary, be at liberty to infer that the liquor in question is intoxicating from the fact that a witness describes it as intoxicating, or by a name which is commonly applied to an intoxicating liquor. 1944, c. 33, s. 56.

Recovery
of penalties.

64.—(1) The penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act* and the provisions of the said Act shall apply to prosecutions thereunder, provided that the provisions of *The Liquor Control Act* relating to appeals shall apply to appeals under this Act. 1944, c. 33, s. 57 (1).

Rev. Stat.,
c. 136.

Fines to be
paid to
Liquor
Control
Board.

(2) Subject to section 83, all money penalties imposed under the provisions of this Act or the regulations, after deducting all necessary costs, shall be paid by the justice to The Liquor Control Board of Ontario. 1944, c. 33, s. 57 (2), *amended*.

CIVIL LIABILITY.

Civil
liability.

65. Where any person or his servant or agent sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate him or increase his intoxication so that he would be in danger of causing injury to his person or injury or damage to the person or property of others, if the person to or for whom the liquor is sold while so intoxicated,—

- (a) commits suicide or meets death by accident an action under *The Fatal Accidents Act* will lie against the person who or whose servant or agent sold the liquor; or Rev. Stat., c. 210.
- (b) causes injury or damage to the person or property of another person, such other person shall be entitled to recover an amount to compensate him for his injury or damage from the person who or whose servant or agent sold the liquor. *New.*

EMPLOYEES OF LICENCE HOLDERS.

66.—(1) The Board may require every person who, being an employee of a person who operates licensed premises, is in any way engaged in selling or serving liquor, to obtain an employee's licence from the Board in accordance with the regulations. Employees of licence holders.

(2) Where, as provided by subsection 1, employees are required by the Board to obtain an employee's licence, no person who is not so licensed may be employed in the sale or serving of liquor in any licensed premises. 1944, c. 33, s. 58, *amended.* Sale by licensed employees.

LOCAL OPTION.

67. Nothing contained in this Act shall be construed as interfering with the operation of the *Canada Temperance Act* applicable to any part of Ontario, and no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in an area in which the *Canada Temperance Act* has been brought into force and is still in force. Stores not to be established where C.T.A. in force.

68. Except as provided by this Act and the regulations no government store for the sale of liquor shall be established, no Ontario wine store shall be authorized and no premises shall be licensed in any municipality or portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law passed under *The Liquor License Act* or any other Act was in force prohibiting the sale of liquor by retail until a vote has been taken in the manner provided in section 69. Government stores and wine stores not to be established in certain districts. 1916, c. 50; Rev. Stat., 1914, c. 215.

69.—(1) The council of any municipality in which a by-law mentioned in section 68 is in force may submit to a vote of the persons qualified to be entered on the voters' list and to vote at elections to the Assembly in the municipality, any of the following questions: Submission of question.

- (a) Are you in favour of the establishment of government stores for the sale of liquor?
- (b) Are you in favour of the establishment of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the sale of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the sale of liquor under a lounge licence for consumption on licensed premises?

Petition
requesting
submission
of questions.

(2) Where a petition in writing signed by at least twenty-five per centum of the total number of persons appearing by the last revised list of the municipality to be resident in the municipality and qualified to vote at elections to the Assembly, requesting the council to submit one or more of the questions set out in subsection 1 is filed with the clerk of the municipality and with the Board, the council shall submit such question or questions to a vote of the electors.

Where
affirmative
vote
polled.

(3) Where three-fifths of the electors voting on the question vote in the affirmative, it shall be lawful to establish government stores, authorize Ontario wine stores or issue licences within the municipality accordingly.

Submission
of questions
as to con-
tinuance of
stores.

70.—(1) Where a government store is established, an Ontario wine store authorized, or premises licensed in any municipality the council may, and on petition as provided in section 69, which section shall apply *mutatis mutandis*, shall submit to the electors whichever of the following questions may be applicable:

- (a) Are you in favour of the continuance of government stores for the sale of liquor?
- (b) Are you in favour of the continuance of government stores for the sale of beer only for residence consumption?
- (c) Are you in favour of the continuance of the authorization of Ontario wine stores for the sale of Ontario wine only for residence consumption?
- (d) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which women are admitted?
- (e) Are you in favour of the continuance of the sale of beer only under a public house licence for consumption on licensed premises to which men only are admitted?
- (f) Are you in favour of the continuance of the sale* of beer and wine only under a dining room licence for consumption with meals on licensed premises?
- (g) Are you in favour of the continuance of the sale of liquor under a dining lounge licence for consumption with meals on licensed premises?
- (h) Are you in favour of the continuance of the sale of liquor under a lounge licence for consumption on licensed premises?

(2) Where three-fifths of the electors voting on the question or questions vote in the negative, from and after the 31st day of March in the following year, any government store established in the municipality shall be closed, the authority of any Ontario wine store authorized in the municipality shall be terminated or licences of any class for premises in the municipality shall be discontinued, as the case may be, in accordance with the question or questions submitted and voted upon.

71. Where petitions are presented praying for the submission of a definite question or set of questions, the question or questions to be submitted shall be that or those asked for in the first petition filed, unless the Board otherwise directs.

72.—(1) Where a question is submitted in a municipality under section 69 or 70, neither that question nor any other question shall be submitted in the municipality until after the expiration of a period of three years from the date of such submission; provided that the submission of question *d* set out in section 70 within two years of the coming into force of this

Act shall not prevent the submission of any other question during the period of three years from the date of such submission.

Time for submission of questions *e* to *h* of section 70.

(2) Questions *e*, *f*, *g*, and *h* set out in subsection 1 of section 70 shall not be submitted in any municipality until after the expiration of two years from the coming into force of this Act.

Appointment of managers for vote.

73.—(1) At least five weeks before the taking of a vote upon any question under section 69 or 70 the electors interested in obtaining an affirmative answer and a negative answer respectively to the question or questions, may notify the returning officer in writing, signed by at least twenty-five electors, that they have appointed a manager for their side of the question or questions and the manager may appoint agents at the polling places and generally shall have all the powers and perform all the duties and be subject to the like provisions as far as practicable as a candidate at an election to the Assembly, and in case more than one person is named as manager, the first person named on either side shall be manager. R.S.O. 1937, c. 294, s. 69 (4), *amended*.

Notice of filing of petition.

(2) When any petition has been filed with the clerk of the municipality pursuant to the provisions of section 69 or 70, the clerk shall give notice in writing of such filing to each of the managers, and the managers shall, for a period of four weeks from the date of such notice, be entitled to examine and inspect the petition. R.S.O. 1937, c. 294, s. 69 (5).

Date of polling.

Rev. Stat. c. 266.

74. The day fixed for taking the vote on any question or questions shall be the day upon which under *The Municipal Act*, or any by-law passed under that Act, a poll would be held at the annual election of members of the council of the municipality unless the Board fixes some other day and notifies the clerk of the municipality to that effect; but a poll shall not be held on any such question or questions until after the expiration of two months from the passing of a by-law for submitting the question or questions where the council submits the question or questions without a petition, nor until after the expiration of two months from the filing of the petition, as the case may be. R.S.O. 1937, c. 294, s. 69 (6), *amended*.

Who may vote.

75. The persons qualified to vote upon a question or questions shall be such persons as are named upon the polling list and would be qualified in other respects to vote at an election to the Assembly held on the day fixed for taking the poll upon the question or questions; provided that in the event of the taking of a vote under section 70, notwithstanding anything contained in any statute of this Legislature, persons resident in any portion of a municipality in which at the time of the coming into force of *The Ontario Temperance Act* a by-law under *The Liquor License Act* or under any

1916, c. 50.

Rev. Stat. 1914, c. 215.

other Act, was in force prohibiting the sale of liquor by retail, shall not be entitled to sign a petition pursuant to this section, excepting a petition respecting only such portion of the municipality, and shall not be entitled to vote on the said question or questions until a vote has been taken in such portion of the municipality on one or more of the questions set out in subsection 1 of section 69, and three-fifths of the electors voting on such question or questions have voted in the affirmative. R.S.O. 1937, c. 294, s. 69 (7), *amended*.

76.—(1) Except as otherwise provided by this Act, the provisions of *The Election Act* and *The Voters' Lists Act* ^{Application of general law.} respecting,—

Rev. Stat.,
cc. 8, 7.

- (a) the preparation and revision of the lists;
- (b) the time and manner of holding the poll;
- (c) the holding of advance polls;
- (d) the forms to be used and the oaths to be administered;
- (e) the powers and duties of returning officers, deputy returning officers and poll clerks,

and all the provisions relating to corrupt practices, illegal acts, offences and penalties and their prosecutions shall apply to the taking of a vote submitted under this section. R.S.O. 1937, c. 294, s. 69 (8), *amended*.

(2) Subject to the approval of the Lieutenant-Governor in Council the Chief Election Officer shall give such directions ^{Directions as to taking vote.} and make such regulations and prepare such forms as may appear to him to be necessary in carrying out the provisions of sections 68 to 80 and for the guidance of returning officers and other officers and persons employed in the taking of the vote, and may modify or alter any of the provisions of *The Election Act* and *The Voters' Lists Act* ^{Rev. Stat., cc. 8, 7.} when compliance therewith appears to be inconvenient, impracticable or unnecessary and may make due provision for circumstances which may arise and which are not provided for or contemplated by sections 68 to 80.

(3) The forms to be used at the taking of the vote upon a ^{Forms.} question or questions shall be the same as nearly as may be as the forms used at an election to the Assembly, but such forms may be modified and altered to such extent as may be necessary. R.S.O. 1937, c. 294, s. 69 (11, 12), *amended*.

Clerk of
revision.

(4) The clerk of the municipality shall perform the duties imposed upon the clerk of the revising officer by Part III of *The Voters' Lists Act*. R.S.O. 1937, c. 294, s. 69 (16).

Revision
of lists.

77.—(1) The voters' lists shall be revised as provided in *The Voters' Lists Act* with respect to the revision of the lists at an election to the Assembly and polling lists shall be prepared as provided by *The Election Act*, and the chairman of the election board may generally take all the proceedings which may be taken by the board in the case of an election to the Assembly.

Rev. Stat.,
cc. 7, 8.

Chairman's
fees.

(2) The chairman shall be entitled to a fee of \$10 for every day upon which a sitting is actually held and his actual and necessary travelling expenses. R.S.O. 1937, c. 294, s. 69 (14, 15).

Polling
lists.

(3) It shall not be necessary for the polling lists for use at the taking of a vote to be printed, nor shall it be necessary to prepare more copies than are required to provide one copy of the list for each polling place, one copy for the returning officer and two copies for persons representing those supporting the affirmative and negative respectively. R.S.O. 1937, c. 294, s. 69 (17), *amended*.

Fees and
expenses.

78. The fees and expenses to be allowed to returning officers and other officers and servants for services performed under sections 68 to 80, and the expenses incurred in carrying out the provisions of sections 68 to 80 shall be fixed by the Lieutenant-Governor in Council and shall be taxed and allowed by the chairman of the election board and be paid by the treasurer of the municipality to the persons entitled thereto. R.S.O. 1937, c. 294, s. 69 (13), *amended*.

Returning
officer.

79.—(1) The returning officer upon the taking of a vote shall be the clerk of the municipality, or in case of his inability to act, or of a vacancy in the office, some person to be appointed by by-law of the municipal council.

Return to
Clerk of
Crown in
Chancery.

(2) The returning officer shall make his return to the Clerk of the Crown in Chancery showing the number of votes polled for the affirmative and negative on the question or questions submitted, and upon the receipt of such return, the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and give notice thereof in the *Ontario Gazette* showing the total number of votes polled in the municipality for the affirmative and negative upon the question or questions. R.S.O. 1937, c. 294, s. 69 (9, 10), *amended*.

Where
validity of
vote
questioned.

80. Notwithstanding anything contained in this or any other Act where the validity of a vote on any question or

questions submitted under this Act is questioned, the provisions of Part IV of *The Municipal Act* relating to proceedings to declare a seat vacant, shall *mutatis mutandis* apply, and any notice of motion required under the provisions of *The Municipal Act* shall be served on such person as the judge or master in chambers may direct. R.S.O. 1937, c. 294, s. 69 (21), *amended*. Rev. Stat.,
c. 266.

REGULATIONS.

81. The Board, with the approval of the Lieutenant-Governor in Council, may make such regulations with respect to any and all matters and things provided for in this Act as the Board may deem necessary, and without limiting the generality of the foregoing, such powers shall extend to and include the following:

- (a) prescribing the special accommodation, facilities and equipment which shall be required in or in respect of the various classes of premises for which the various classes of licences may be issued including the prescribing of different standards of accommodation, facilities and equipment in different classes of establishments;
- (b) providing for different classes of clubs and prescribing the manner in which clubs of the different classes shall be organized and the special accommodation, facilities and equipment which shall be required and in the case of any class of clubs, prescribing who shall be deemed to be members thereof for the purposes of this Act;
- (c) prescribing the special services which shall be furnished in a dining lounge;
- (d) restricting the classes of licences which may be issued to any class of establishments;
- (e) restricting the scope and effect of licences of the various classes and prescribing terms and conditions governing the sale of liquor and other relevant matters relating to the operation of premises for which licences of the various classes are issued;
- (f) prescribing the fees payable in respect of the issue and transfer of licences including the prescribing of fees in varying amounts for licences issued in respect of various classes of establishments;

- (g) prescribing the fees, schedules or other methods of valuation by which monopoly value and depreciation shall be determined for the purposes of sections 43 and 45;
- (h) governing and regulating premises in respect of which licences may be issued;
- (i) governing the issue, renewal, transfer, refusal, suspension and cancellation of licences;
- (j) governing the location, construction, maintenance, management and operation of licensed premises;
- (k) governing the issue and cancellation of banquet or entertainment permits;
- (l) governing the purchase, delivery, keeping for sale, sale, serving and consuming of liquor;
- (m) prescribing the persons to whom the sale of liquor is to be restricted or prohibited;
- (n) prescribing the periods of the year and the days and hours when liquor may be sold, served and consumed;
- (o) providing for the licensing of employees of persons operating licensed premises and prescribing requirements applicable to such employees;
- (p) prescribing the books and records to be kept, returns to be made and information to be furnished with respect to licensed premises and the examination and audit which shall be made of such books and records;
- (q) prescribing the duties of the registrar, deputy registrars, officials, inspectors and employees of the Board and the books of account and other records to be kept by the Board;
- (r) prescribing the official seal of the Board and the form of applications and notices to be used for the purposes of this Act and the manner of effecting service;
- (s) prescribing the signs which may be erected on or in licensed premises;
- (t) prescribing the hours and days upon which and the manner, methods and means by which liquor shall be delivered to licensed premises;

- (u) prescribing the offences against the laws of Canada and Ontario, conviction of which by any person shall disqualify him from holding a licence;
- (v) governing the manner of incorporation of corporations which may hold licences;
- (w) prescribing the procedure to be followed upon applications to the Board;
- (x) prescribing the form of ballots to be used for voting upon a question submitted in a municipality; and
- (y) generally for the better carrying out of the provisions of this Act. 1944, c. 33, s. 59, *amended*.

REPORTS.

82.—(1) The Board shall from time to time make reports Reports. to the Lieutenant-Governor in Council covering such matters in connection with the administration of this Act as he may require and shall annually make to the Lieutenant-Governor in Council, through the Minister, a report for the twelve months ending on the 31st day of March in the year in which the report is made, which shall contain,—

- (a) a statement of the operations of the Board;
- (b) a statement of the number of licences in existence and the names of the owners thereof at such 31st day of March;
- (c) a detailed statement of the number of licences which were issued, renewed, transferred, cancelled or suspended and the names of the owners thereof;
- (d) the details of any compensation awarded;
- (e) a statement of the expenses of the Board;
- (f) general information and remarks as to the working of the Act; and
- (g) any other information requested by the Minister.

(2) Every annual report shall be laid before the Legislature as soon as may be. 1944, c. 33, s. 60, *amended*. Report to be presented to Legislature.

AGREEMENT WITH MUNICIPALITY.

Agreement
with muni-
cipality.

83. Subject to the approval of the Lieutenant-Governor in Council the Board may enter into an agreement with the council of any municipality for the enforcement within the municipality by the council of the provisions of this Act, *The Liquor Control Act* and the regulations hereunder and thereunder, and may in such agreement provide for the payment to the council of,—

Rev. Stat.,
c. 294.

- (a) a portion of the fees for licences issued in respect of establishments in the municipality; and
 - (b) the fines or any portion of the fines imposed in any prosecutions instituted by officers designated by the council pursuant to the agreement, for a violation of this Act, *The Liquor Control Act* or the regulations hereunder or thereunder within the municipality.
- New.*

COMMENCEMENT OF ACT.

Commence-
ment of
Act.

84. This Act, except any portion thereof as may be specifically excepted, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation and any such excepted portion shall come into force on a day to be named by the Lieutenant-Governor by his further Proclamation.

REPEAL.

1944, c. 33;
1945, c. 11,
repealed.

85. *The Liquor Authority Control Act, 1944, and The Liquor Authority Control Amendment Act, 1945,* are repealed.

SHORT TITLE.

Short title.

86. This Act may be cited as *The Liquor Licence Act, 1946.*

BILL

The Liquor Licence Act, 1946.

1st Reading

March 28th, 1946

2nd Reading

April 2nd, 1946

3rd Reading

April 4th, 1946

MR. BLACKWELL

No. 137

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Toronto General Hospital Act

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Bill is to clarify the provisions as to the term of appointment of the various classes of trustees of the Toronto General Hospital. The Bill also provides for the appointment of the chairman of the Board by the Lieutenant-Governor in Council.

BILL

An Act to amend The Toronto General Hospital Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Toronto General Hospital Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 396, s. 2,
amended.

(2) The Lieutenant-Governor in Council may appoint one of the trustees to be chairman of the Board. Chairman
of Board.

2.—(1) Subsection 1 of section 3 of *The Toronto General Hospital Act* is amended by striking the words "and until their successors are appointed" in the second and third lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 396, s. 3,
subs. 1,
amended.

(1) The trustees hereafter appointed by the corporation of the City of Toronto shall hold office for one year. Term of
office.

(2) Subsection 2 of the said section 3 is amended by striking out the words "by the Lieutenant-Governor in Council and" in the first and second lines, and the words "and until their successors are chosen", in the fourth line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 396, s. 3,
subs. 2,
amended.

(2) The trustees hereafter appointed by the Governors of the University of Toronto and those elected by the subscribers shall hold office for three years. Idem.

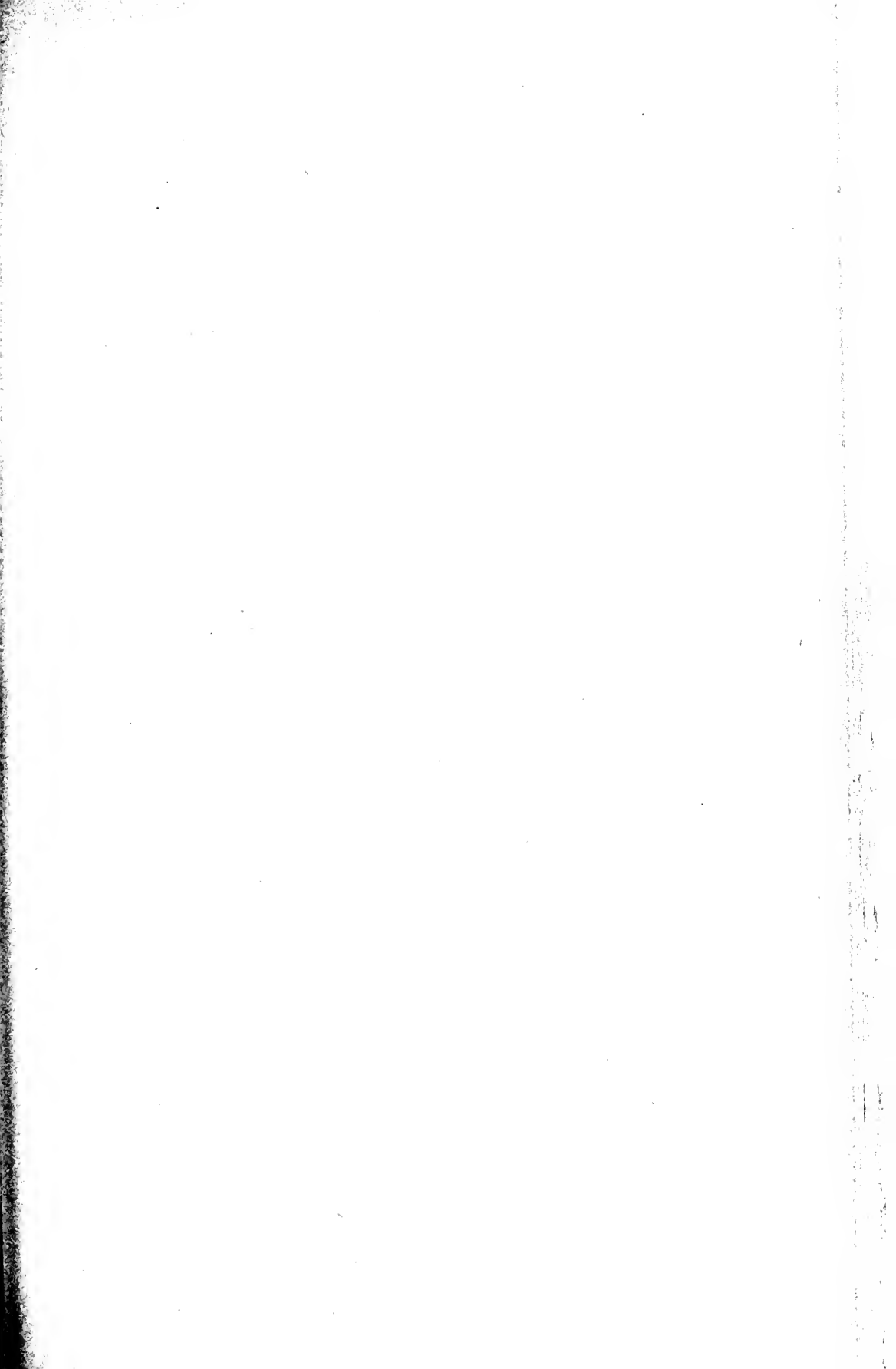
3. Section 4 of *The Toronto General Hospital Act* is amended by inserting after the word "trustees" in the first line the words "except those appointed by the Lieutenant-Governor in Council" so that the said section shall now read as follows: Rev. Stat.,
c. 396, s. 4,
amended.

4. All trustees except those appointed by the Lieutenant-Governor in Council shall be appointed or elected Time of
appointment
or election.

in the month of January in each year in the place of those whose term of office expires.

Short title.

4. This Act may be cited as *The Toronto General Hospital Amendment Act, 1946*.



BILL
**An Act to amend The Toronto General
Hospital Act.**

1st Reading
March 28th, 1946

2nd Reading

3rd Reading

MR. DREW

No. 137

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Toronto General Hospital Act

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TORONTO
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c. 396, s. 3,
subs. 1,
amended.

(1) The trustees hereafter appointed by the corporation of the City of Toronto shall hold office for one year. Term of
office.

(2) Subsection 2 of the said section 3 is amended by striking out the words "by the Lieutenant-Governor in Council and" in the first and second lines, and the words "and until their successors are chosen", in the fourth line, so that the said subsection shall now read as follows: Rev. Stat.,
c. 396, s. 3,
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c. 396, s. 4,
amended.

4. All trustees except those appointed by the Lieutenant-Governor in Council shall be appointed or elected Time of
appointment
or election.

in the month of January in each year in the place of those whose term of office expires.

Short title.

4. This Act may be cited as *The Toronto General Hospital Amendment Act, 1946*.

BILL

An Act to amend The Toronto General
Hospital Act.

1st Reading

March 28th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. DREW

No. 138

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to enable Municipalities to establish Housing Authorities.

MR. ANDERSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to enable Municipalities to establish Housing Authorities.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “authority” shall mean authority established under “authority”;
this Act;
- (b) “Department” shall mean Department of Planning and Development; “Depart-
ment”;
- (c) “municipality” shall mean city, town, village, town-ship, improvement district, or school section in an unorganized township; “muni-
cipality”;
- (d) “slum clearance” shall mean the demolition and removal of buildings from any area where dwellings predominate which by reason of dilapidation, over-crowding, faulty arrangement of design, lack of ventilation, light or sanitation facilities or any combination of these factors, are in the opinion of the authority detrimental to safety, health and morals. “slum
clearance”.

2. A municipality may by by-law provide for the establishment of a municipal housing authority for the municipality. Power to
establish
housing
authorities.

3. Two or more municipalities may enter into an agreement for the establishment of a joint municipal housing authority for the municipalities and for apportioning equitably between the municipalities the cost and expenses incurred in setting up such joint authority, and for carrying out any of the things permitted or required by this Act, and such joint authority shall in all respects, subject to the terms of such agreement, have all the powers conferred by this Act upon an authority. Joint
authorities.

Authority—
composition
of.

4.—(1) An authority shall consist of not less than three and not more than seven members appointed by the council or councils in accordance with the terms of an agreement under section 3 and unless the consent of the Department has been obtained, at least one of such members shall be an architect who is a member of the Ontario Association of Architects or a civil engineer who is a member of the Ontario Association of Professional Engineers.

(2) The Council or Councils may appoint as members of the housing authority any or all of the members of a planning board appointed under *The Planning Act, 1946*.

Duties of
authority.

5. It shall be the duty of the authority,—

- (a) to conduct surveys of conditions in respect of the need for houses within the municipality or municipalities;
- (b) to recommend to the municipal council or councils the acquisition of land, the making of such plans or the taking of such steps as were necessary to meet the need for housing within the municipality or municipalities;
- (c) to establish a technical planning office under the authority to prepare the technical plans for the authority.

Powers of
authorities.

6. A municipality may, upon the recommendations of the authority,—



- (a) purchase, lease, acquire or expropriate real property in the area under its authority for housing projects, green belts, parks or recreational areas or for slum clearance, and may alter, repair and construct housing accommodation, and manage, lease and sell the same on such terms and to such persons as the authority shall decide; or
- (b) enter into agreements with governments or persons for the repair, alteration, construction, operation, management and for assuming all or any part of the cost of any housing or other project.

Plans to
be filed.

7.—(1) None of the powers conferred by section 6 shall be exercised until the authority has filed with the Department a detailed account of its plan or plans for the exercise of such power, and such plan or plans shall include codes of amenity standards and building construction codes.

(a) Amenity standards shall include codes covering,

- (i) health, sanitation, refuse disposal and incineration,
- (ii) safety codes governing roads, walks, pedestrian crossings, and the like,
- (iii) acreage of green space in proportion to ground built over,
- (iv) desirable distance from schools, shops and places of work,
- (v) desirable frequency of transport and availability of public utilities.

(b) Building construction codes shall provide minimum construction requirements and property standards for all construction within the defined area in accord with provincial codes.

(c) Plans shall conform to the terms of any "official plan" approved in accordance with the terms of *The Planning Act, 1946*.

(2) The Department shall assist in preparing the codes and standards called for by this section. Department to assist.

8.—(1) For the purpose of this Act and in particular for providing the necessary salaries, allowances, expenses and disbursements of the authority, and for the preparation and carrying out of any undertaking or work or for sharing in the cost thereof, the council may levy and impose a special rate upon all the rateable property within the municipality, and the provisions of *The Assessment Act* shall apply to such special rate. Special rate levy. Rev. Stat., c. 272.

(2) Subject to the approval of the Ontario Municipal Board and without obtaining the assent of the electors entitled to vote on money by-laws, the council may pass by-laws from time to time for borrowing on the credit of the corporation for any of the purposes mentioned in subsection 1, and to enable the carrying out of any agreement made in pursuance of the powers conferred by section 6 may limit the taxes payable in respect of the property affected by such agreement. Debentures.

9. The provisions of *The Municipal Act* and *The Municipal Arbitrations Act* dealing with the acquisition of lands, shall apply *mutatis mutandis* to the acquisition of land under this Act. Acquisition of funds. Rev. Stat., cc. 266, 280.

Powers to be
additional
powers.

10. The powers conferred by this Act upon the council shall be in addition to and not in derogation from any powers conferred on the council by any special or general Act of this Legislature.

Short title.

11. This Act may be cited as *The Community Housing Authority Act, 1946*.

BILL

An Act to enable Municipalities to establish
Housing Authorities.

1st Reading

March 28th, 1946

2nd Reading

3rd Reading

MR. ANDERSON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Service Act.

MR. DREW

EXPLANATORY NOTES

SECTIONS 1 and 6. The provisions for laying regulations before the Assembly, which are repealed, are primarily to ensure publicity. Under *The Regulations Act, 1944*, adequate provision is made for publication and these provisions are now being deleted wherever they appear.

SECTION 2. The new subsection 2 to section 32 is enacted to permit a temporary employee who is later permanently employed to give notice within a stated time that he intends to pay up the contributions which he would have made had he been permanently employed in the first place, plus interest. In such case he is entitled to credit this contribution in reckoning an allowance which may be or become payable to him.

BILL

An Act to amend The Public Service Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 6 of *The Public Service Act* is repealed.

Rev. Stat.,
c. 15, s. 6,
subs. 2,
repealed.

2. Section 32 of *The Public Service Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 15, s. 32,
amended.

(2) A person who,—

(a) is temporarily employed in the public service on or after the 1st day of November, 1920;

Temporary
employees
permanently
employed
later.

(b) is so employed continuously up to the date of his appointment as an employee;

(c) gives notice in writing to the Board,

(i) on or before the 31st day of October, 1946, where he is appointed after the 1st day of November, 1920, and on or before the 30th day of April, 1946, or

(ii) within three months after his appointment, where he is appointed after the 30th day of April, 1946,

of his intention to contribute to the Fund, and

(d) pays,

(i) an amount equal to the amount which would have been payable by him had he been permanently appointed at the date of his temporary appointment

together with interest at three per centum per annum upon the amount so payable, or

- (ii) an amount less than the amount so payable, in the manner prescribed by the regulations,

shall be entitled to credit to the extent of the payments made, in reckoning the amount of any annual allowance payable to him under this Part.

Rev. Stat.,
c. 15, s. 37,
amended.

3. Section 37 of *The Public Service Act* is amended by inserting after the figures "1927" in the tenth line the words and figures "or subsection 2 of section 32 of this Act", so that the said section shall now read as follows:

How super-
annuation
to be
calculated.

37. The superannuation allowance payable to any employee shall be calculated upon the average yearly salary of the employee during the last three years of his service and shall not exceed one-fiftieth part of such annual salary multiplied by the total number of full years of service and any fraction of a year of continuous service, and including service previous to appointment by Order-in-Council where such service has been continuous and the employee has contributed as provided by subsections 3 and 4 of section 38 of Chapter 16 of the Revised Statutes of Ontario, 1927, or subsection 2 of section 32 of this Act, but no more than thirty years of service shall be reckoned nor shall the yearly superannuation allowance exceed in any case the sum of \$2,000, nor in the case of an employee superannuated under section 38 of this Act shall such superannuation allowance be less than \$360, but in no case shall the annual allowance exceed the final annual salary of the employee.

Rev. Stat.,
c. 15, s. 46,
amended.

4. Section 46 of *The Public Service Act* is amended by adding thereto the following clause:

- (aa) prescribing the manner in which persons contributing to the Fund under subsection 2 of section 32 shall pay their contributions.

Rev. Stat.,
c. 15, s. 49,
subs. 2,
amended.

5. Subsection 2 of section 49 of *The Public Service Act* is amended by inserting after the word "chairman" in the fourth line, the words "or secretary", so that the said subsection shall now read as follows:

Section 3. The amendment to section 37 is complementary to the subsection added by section 2.

SECTION 4. This amendment to the regulations section provides power to determine the manner in which persons contributing under the new subsection 2 to section 34 shall make their payments covering the amount plus interest which would have been payable had they been permanently employed at the time of the temporary appointment.

SECTION 5. At present all requisitions must be signed by the chairman. The amendment provides an alternative.

- (2) The payment of any benefit to an employee or his representatives under this Part, and the payment of the expenses incurred in the administration of the Fund shall be made upon a requisition in writing signed by the chairman or secretary of the Board and directing the issue of the cheque of the Treasurer of Ontario for the amount named in the requisition, and such direction shall be final and conclusive, and the cheque of the Treasurer of Ontario shall be issued for the amount stated in the requisition and the Auditor shall countersign the same, anything in *The Audit Act* to the contrary notwithstanding.

How pay-
ments to
be made.

6. Clause g of section 50 of *The Public Service Act* is repealed.

Rev. Stat.,
c. 15, s. 50,
cl. g,
repealed.

7. This Act may be cited as *The Public Service Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Public Service Act.

1st Reading

March 29th, 1946

2nd Reading

3rd Reading

MR. DREW

No. 139

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Service Act.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Public Service Act.

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1. Subsection 2 of section 6 of *The Public Service Act* is repealed. Rev. Stat.,
c. 15, s. 6,
subs. 2,
repealed.

2. Section 32 of *The Public Service Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 15, s. 32,
amended.

(2) A person who,—

(a) is temporarily employed in the public service Temporary
employees
permanently
employed
later.
on or after the 1st day of November, 1920;

(b) is so employed continuously up to the date of his appointment as an employee;

(c) gives notice in writing to the Board,

(i) on or before the 31st day of October, 1946, where he is appointed after the 1st day of November, 1920, and on or before the 30th day of April, 1946, or

(ii) within three months after his appointment, where he is appointed after the 30th day of April, 1946,

of his intention to contribute to the Fund, and

(d) pays,

(i) an amount equal to the amount which would have been payable by him had he been permanently appointed at the date of his temporary appointment

together with interest at three per centum per annum upon the amount so payable, or

- (ii) an amount less than the amount so payable, in the manner prescribed by the regulations,

shall be entitled to credit to the extent of the payments made, in reckoning the amount of any annual allowance payable to him under this Part.

Rev. Stat.,
c. 15, s. 37,
amended.

3. Section 37 of *The Public Service Act* is amended by inserting after the figures "1927" in the tenth line the words and figures "or subsection 2 of section 32 of this Act", so that the said section shall now read as follows:

How super-
annuation
to be
calculated.

- 37. The superannuation allowance payable to any employee shall be calculated upon the average yearly salary of the employee during the last three years of his service and shall not exceed one-fiftieth part of such annual salary multiplied by the total number of full years of service and any fraction of a year of continuous service, and including service previous to appointment by Order-in-Council where such service has been continuous and the employee has contributed as provided by subsections 3 and 4 of section 38 of Chapter 16 of the Revised Statutes of Ontario, 1927, or subsection 2 of section 32 of this Act, but no more than thirty years of service shall be reckoned nor shall the yearly superannuation allowance exceed in any case the sum of \$2,000, nor in the case of an employee superannuated under section 38 of this Act shall such superannuation allowance be less than \$360, but in no case shall the annual allowance exceed the final annual salary of the employee.

Rev. Stat.,
c. 15, s. 46,
amended.

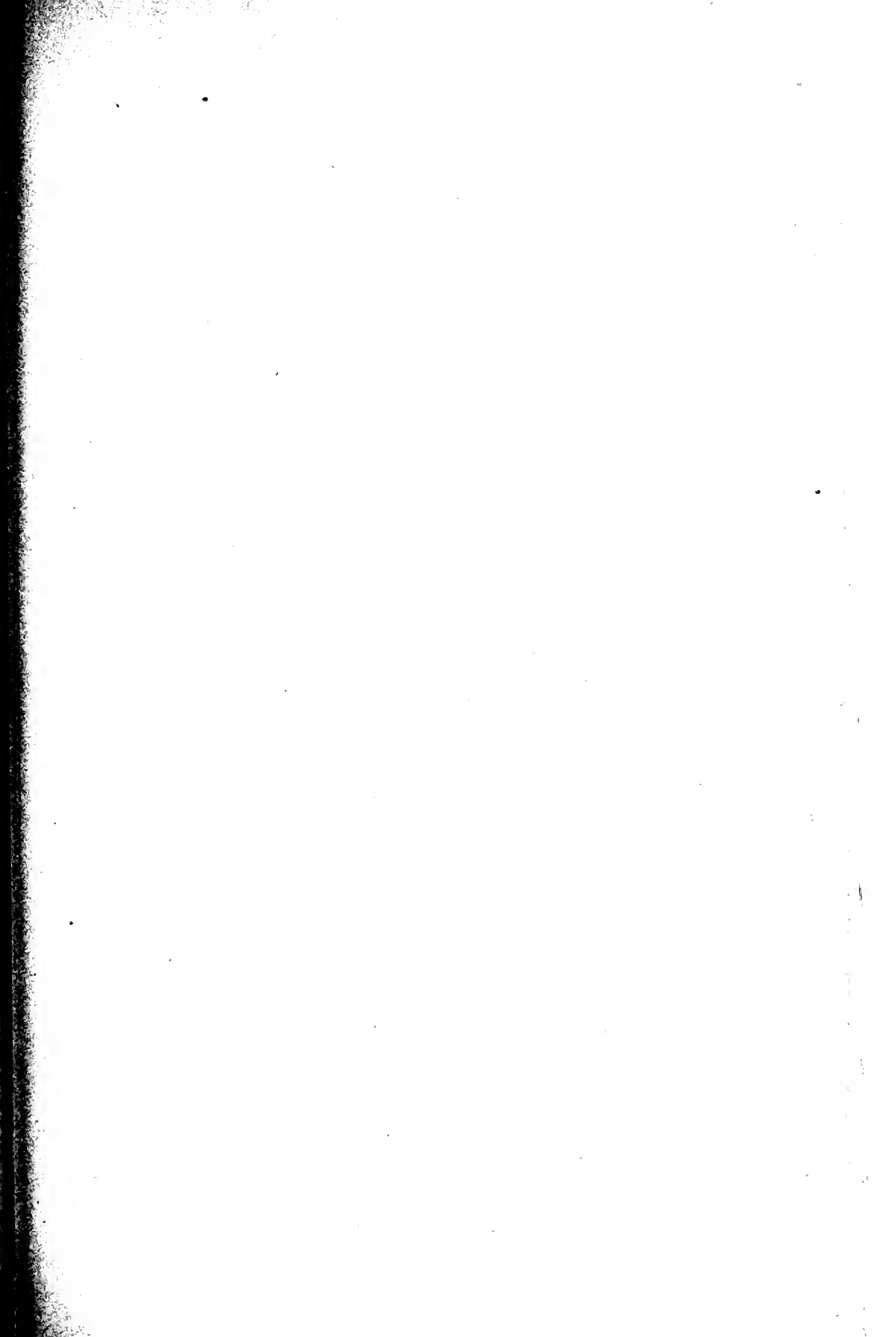
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- (aa) prescribing the manner in which persons contributing to the Fund under subsection 2 of section 32 shall pay their contributions.

Rev. Stat.,
c. 15, s. 49,
subs. 2,
amended.

5. Subsection 2 of section 49 of *The Public Service Act* is amended by inserting after the word "chairman" in the fourth line, the words "or secretary", so that the said subsection shall now read as follows:

- (2) The payment of any benefit to an employee or his representatives under this Part, and the payment of the expenses incurred in the administration of the Fund shall be made upon a requisition in writing signed by the chairman or secretary of the Board and directing the issue of the cheque of the Treasurer of Ontario for the amount named in the requisition, and such direction shall be final and conclusive, and the cheque of the Treasurer of Ontario shall be issued for the amount stated in the requisition and the Auditor shall countersign the same, anything in *The Audit Act* to the contrary notwithstanding. How payments to be made.
Rev. Stat., c. 24.
6. Clause g of section 50 of *The Public Service Act* is repealed. Rev. Stat., c. 15, s. 50, cl. g, repealed.
7. This Act may be cited as *The Public Service Amendment Act, 1946*. Short title.



BILL

An Act to amend The Public Service Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. DREW

No. 140

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Judicature Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. The amendment increases the number of judges of the High Court of Justice for Ontario from a Chief Justice and twelve other judges to a Chief Justice and fourteen other judges. The amendment made by section 1 shall come into force on a day to be named by Proclamation.

SECTION 2. The subsection is recast so as to authorize the Chief Justice of the High Court to assign the various judges to the various courts.

No. 140

1946

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 5 of *The Judicature Act* is amended by striking out the words “twelve” in the third line and inserting in lieu thereof the word “fourteen”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 100, s. 5,
subs. 1,
amended.

(1) The High Court shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and fourteen other judges.

High Court
of Justice,
now consti-
tuted.

(2) This section shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of
section.

2. Subsection 3 of section 42 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 100, s. 42,
subs. 3,
re-enacted.

(3) All such arrangements as may be necessary or proper for the holding of any of the courts or the transaction of business in the High Court shall be made by the judges of that division and the assignment from time to time of judges to hold such courts or to transact such business shall be made by the Chief Justice of the High Court.

Arrange-
ments re
holding of
courts.

3. This Act may be cited as *The Judicature Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Judicature Act.

1st Reading

March 29th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Judicature Act.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

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Rev. Stat.,
c. 100, s. 5,
subs. 1,
amended.

- (1) The High Court shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and fourteen other judges.

High Court
of Justice,
now consti-
tuted.

2. Subsection 3 of section 42 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 100, s. 42,
subs. 3,
re-enacted.

- (3) All such arrangements as may be necessary or proper for the holding of any of the courts, or the transaction of business in the High Court, or the arrangement from time to time of judges to hold such courts, or to transact such business, shall be made by the judges of that division, with power in the Chief Justice of the High Court to make such readjustment or reassignment as may be necessary from time to time.

Arrange-
ments re-
holding of
courts.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

4. This Act may be cited as *The Judicature Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Judicature Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

MR. BLACKWELL

(Reprinted as amended in Committee of the
Whole House.)

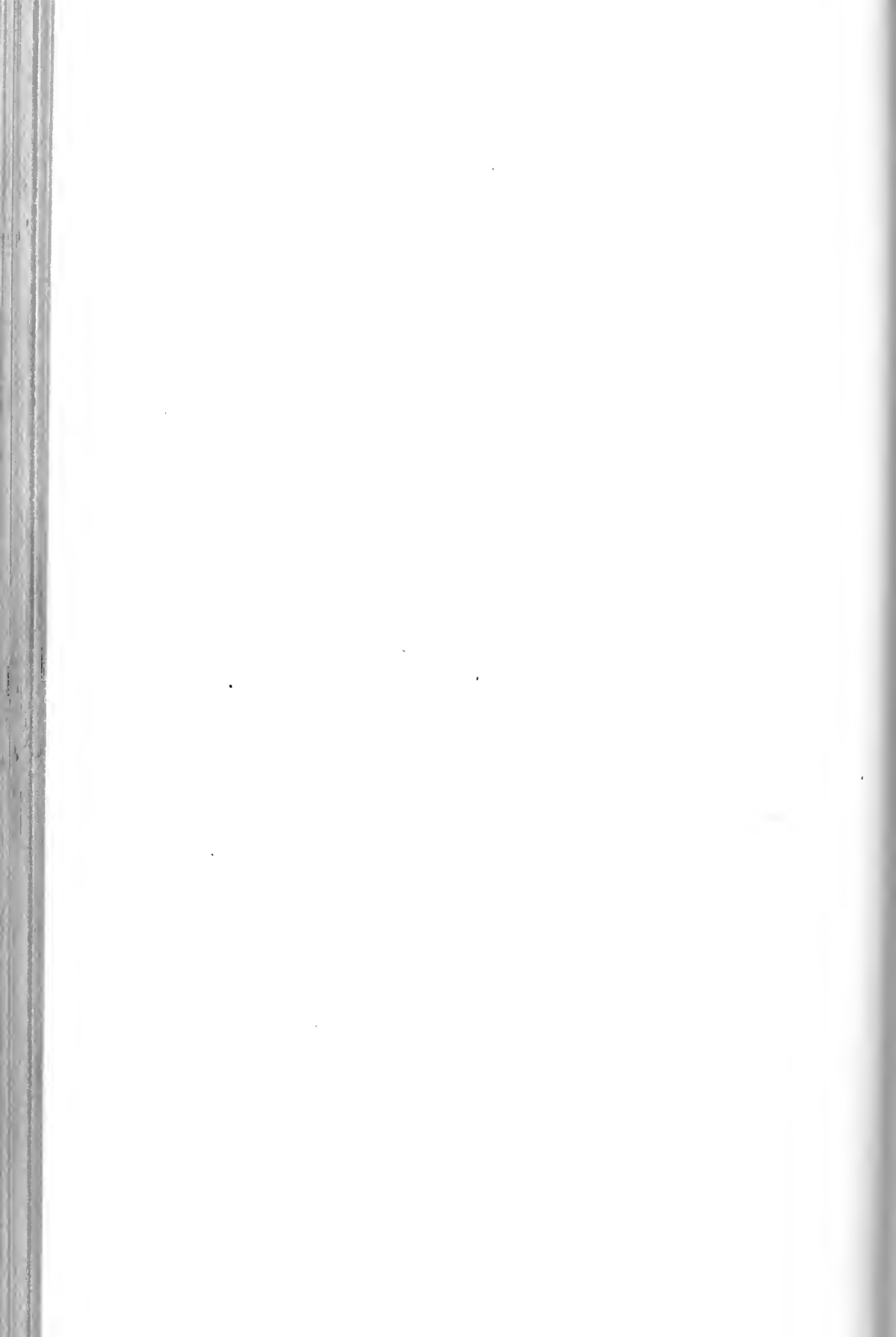
No. 140

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Judicature Act.

MR. BLACKWELL



No. 140

1946

BILL

An Act to amend The Judicature Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act* is amended by striking out the word "twelve" in the third line and inserting in lieu thereof the word "fourteen", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 100, s. 5,
subs. 1,
amended.

(1) The High Court shall consist of a Chief Justice who shall be called the Chief Justice of the High Court and fourteen other judges.

High Court
of Justice,
how consti-
tuted.

2. Subsection 3 of section 42 of *The Judicature Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 100, s. 42,
subs. 3,
re-enacted.

(3) All such arrangements as may be necessary or proper for the holding of any of the courts, or the transaction of business in the High Court, or the arrangement from time to time of judges to hold such courts, or to transact such business, shall be made by the judges of that division, with power in the Chief Justice of the High Court to make such readjustment or reassignment as may be necessary from time to time.

Arrange-
ments re
holding of
courts.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

4. This Act may be cited as *The Judicature Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Judicature Act.

1st Reading

March 29th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. BLACKWELL

No. 141

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Wartime Housing Act, 1944.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. Self-explanatory. The section contemplates the erection of houses on land owned by Canada or by the municipality. The section is otherwise unchanged in principle.

SECTION 2. The present section 4, which provides for the termination of the agreement not later than six months after the end of the war, is repealed.

No. 141

1946

BILL

An Act to amend The Wartime Housing Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Wartime Housing Act, 1944*, is repealed and the following substituted therefor: 1944,
c. 67, s. 2,
re-enacted.
2. The council of a local municipality may by by-law authorize an agreement between the municipal corporation and Wartime Housing Limited and His Majesty the King in right of Canada on such terms and conditions as the council may deem proper for the erection of houses or housing accommodation on land vested in His Majesty the King in right of Canada or in the municipal corporation and for fixing the amount of money that shall be paid annually during the life of the agreement by Wartime Housing Limited and His Majesty the King in right of Canada to the municipal corporation in lieu of taxes that would otherwise be payable in respect of land of His Majesty the King in right of Canada occupied by tenants, provided that such amount shall not be less than \$24 in respect of each two-bedroom house, \$30 in respect of each more than two-bedroom house and \$150 in respect of each staff-house. Wartime
Housing
Limited,—
agreements.
2. Section 4 of *The Wartime Housing Act, 1944*, is repealed and the following substituted therefor: 1944,
c. 67, s. 4,
re-enacted.
4. Where an agreement under section 2 is in force the land mentioned therein vested in His Majesty the King in right of Canada and occupied by tenants shall be exempt from taxation, including local improvement rates. Exemption
from
taxation.
- 4a. The agreement mentioned in section 2 may authorize the municipal corporation to except the land vested in His Majesty the King in right of Canada or in Waiver of
building
by-laws.

Rev. Stat.,
c. 266.

the municipal corporation and the houses or housing accommodation erected or to be erected thereon, or any of such land, houses or housing accommodation, from any by-law passed under section 406 of *The Municipal Act* or any by-law establishing minimum standards of construction, or from any part or parts thereof.

1944,
c. 67, s. 6,
amended.

3. Section 6 of *The Wartime Housing Act, 1944*, is amended by adding thereto the following subsection:

Estimates.

- (2) Any council and any local board which determines rates shall in determining the rate or rates for the year take into consideration the amount of the money mentioned in subsection 1.

1944,
c. 67, s. 10,
amended.

4. Section 10 of *The Wartime Housing Act, 1944*, is amended by striking out the words "Wartime Housing Limited" in the first and second lines and inserting in lieu thereof the words "His Majesty the King in right of Canada or the municipal corporation", so that the said section shall now read as follows:

Right to
vote not
affected.

10. The right to vote of the tenants of His Majesty the King in right of Canada or the municipal corporation shall not be affected by anything in this Act and the assessment rolls and voters' lists shall be prepared in the usual manner as though this Act had not been passed.

1944, c. 67,
amended.

5. *The Wartime Housing Act, 1944*, is amended by adding thereto the following sections:

Power to
dispose
of land.

- 10a.—(1) Where land has been acquired from the municipal corporation by His Majesty the King in right of Canada for the erection of houses or housing accommodation, the municipal corporation may acquire such land and any buildings thereon and may hold, maintain, lease, sell or otherwise dispose of the same at any time or from time to time.

Power to
issue de-
bentures.

- (2) Subject to the approval of the Ontario Municipal Board and without the assent of the electors entitled to vote on money by-laws, the municipal corporation may issue debentures to raise money required for the purposes of subsection 1.

Saving as
to personal
taxes for
health
services.

- 10b. Nothing in this Act or in any agreement entered into under this Act shall limit or affect any personal tax with respect to municipal health services.

SECTION 3. Self-explanatory.

SECTION 4. The occupants of the houses erected or to be erected under the Act are tenants of either His Majesty or the municipality. The section is amended accordingly.

SECTION 5. Section 10*a*, which is new, provides a method of winding-up the plan.

SECTION 10*b*, which is new, expressly takes personal taxes for municipal health services out of the Act and the agreements.

SECTION 6. These amendments are retroactive so as to validate agreements entered into since May 1st, 1944.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect from the 1st day of May, 1944. Commence-
ment of
Act,—
retroactive
effect.

7. This Act may be cited as *The Wartime Housing Amendment Act, 1946*. Short title.

BILL

An Act to amend The Wartime
Housing Act, 1944.

1st Reading

March 29th, 1946.

2nd Reading

3rd Reading

MR. DUNBAR

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